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Migrant Protection Protocols: An Examination of its Consequences and Impact on Child Enrollees

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Abstract

The Trump administration made major changes to long standing immigration and asylum protocols and practices. Among the changes was the implementation of the 2019 Migrant Protections Protocols (MPP), otherwise known as the “remain in Mexico” program. MPP required asylum seekers to reside in Mexico until their U.S. immigration court hearing. Asylum-seekers, including children, were forced to live in unstable and unsafe conditions. Families were separated and children were forced to endure unanticipated hardships and trauma. Using secondary data of child MPP enrollment from fiscal year (FY) 2019 through FY 2021 and letters from child MPP enrollees, this study explores the consequences and impact of MPP. This paper serves to contextualize the human toll that MPP took on an already vulnerable population.

Keywords

Migrant Protection Protocols, Asylum, Immigration, U.S.-Mexico border

Introduction

“We have implemented an unprecedented action that will address the urgent humanitarian and security crisis at the Southern border. This humanitarian approach will help to end the exploitation of our generous immigration laws. The Migrant Protection Protocols represent a methodical commonsense approach, exercising long-standing statutory authority to help address the crisis at our Southern border” - former Secretary of Homeland Security Kirstjen M. Nielsen (Department of Homeland Security (DHS), 2019, p.1).

“However, the MPP both discriminates and penalizes. Implementation of the MPP is clearly designed to further this administration's racist agenda of keeping Hispanic and Latino populations from entering the United States. This is evident in the arbitrary nature of the order, in that it only applies to the southern border” – Anonymous asylum official (The Washington Post, 2019, p.2).

These contrasting quotes highlight the opposing views and motivations behind the Migrant Protection Protocols (MPP) program, a signature Trump-era anti-immigrant policy that extended into the Biden administration. MPP is a U.S. border enforcement program which requires that foreign-born nationals, who do not have legal authorization to enter the U.S., be sent to Mexico to await immigration legal proceedings. During the campaign trail, Donald Trump pledged to be tough on immigration. He reiterated several common myths and misconceptions about immigrants, particularly Latinos (Center for Migration Studies, 2022; Valadez, 2020a; Valadez, 2020b; Valadez, 2019). When discussing immigrants and immigration, he often used incendiary descriptors including “animal,” “killer,” “criminal,” and “invasion” (Fritze, 2019). He often targeted Mexican immigrants, who he referred to as “rapists” who bring “drugs and crime” into the country (Collins & Christal, 2019). His claims ran contrary to the extant literature on immigration and crime, which finds that compared to native-born citizens, immigrants are less likely to engage in criminal activity (Ewing et al., 2015; Lee & Martinez, 2002; Velez, 2009). A recent study found that U.S.-born citizens were two times more likely to be arrested for violent crimes, two and a half times more likely to be arrested for drug offenses, and more than four times as likely to be arrested for property crimes relative to undocumented immigrants (Light et al., 2020). Furthermore, the Pew Research Center found that unauthorized Mexican migration has declined since 2007 and that apprehensions of non-Mexican nationals at the U.S.-Mexico border have surpassed those of Mexicans since 2016 (Gonzalez-Barrera & Krogstad, 2019).

Once in office, President Trump followed through with campaign promises to expand immigration enforcement by implementing MPP (DHS, 2018). Those directly impacted by the program include asylum-seekers and other types of migrants. In December 2018, when DHS announced its decision to implement MPP, the agency predicted a decline in “illegal immigration and false asylum claims” (DHS, 2018). Promoters also said the program would eliminate the likelihood that migrants would fail to appear in immigration court, which results in an order of removal from the U.S. *in absentia*. Further, the program aimed to disincentivize fraudsters from migrating to the U.S., clear asylum backlogs, and provide protection to vulnerable populations, while they physically “remain in Mexico” awaiting determination of their immigration court case. In reality, the program has had the opposite effect on most of those anticipated benefits. One of the most vulnerable groups affected by this policy is children.

Too often, the stories of the youngest impacted by immigration enforcement policies are lost or disregarded. This paper aims to shed light on the magnitude of the policy and its effects on child enrollees. First, I provide an overview of both iterations of MPP which span across the Trump and Biden administrations. Next, I address the Mexican government's role and support for the program, as well as the risks that migrants and asylum-seekers confront while they "remain in Mexico." The section that follows examines child MPP enrollment rates, demographics, case related processes, and case outcomes. To contextualize the human toll of this policy, I analyze letters that detail the stories of seven child enrollees who described their migration journey, enrollment in MPP, and the aftermath of enrollment or deportation. The paper concludes with a discussion about the consequences, impacts, and implications of MPP.

Context of the Study

Both international and domestic laws govern asylum protections. The U.S. grants protections to individuals who meet the definition of refugee according to the United Nations 1951 Convention and 1967 Protocol (United Nations High Commissioner for Refugees (UNHCR), 1951; UNHCR, 1967). To establish asylum eligibility in the U.S., applicants must prove that they suffered past persecution or have a well-founded fear of future persecution based on race, religion, nationality, membership in a particular social group, or public opinion (United States Citizenship and Immigration Services, 2022a). Domestically, the Refugee Act allows refugee status through two means, one of which is asylum. Congress declared the intent of the Refugee Act as a "historic policy of the United States to respond to the urgent needs of persons subject to persecution in their homelands" (Refugee Act of 1980, § 101(a), Pub. L. No. 96-212, p.1).

In the U.S., there are two options asylum-seekers can follow to apply for asylum. Defensive asylum claims are filed in response to removal proceedings, whereas affirmative asylum-seekers do not have an order for removal proceedings (United States Citizenship and Immigration Services, 2022a). Credible fear and reasonable fear screenings are used to establish fear of persecution or torture among migrants in expedited removal proceedings (American Immigration Council, 2020; U.S. Citizenship and Immigration Services, 2019; United States Department of Justice, 2022a). Credible fear screenings are available to individuals subject to the expedited removal process, who inform U.S. Customs and Border Protection (CBP) that they fear persecution or torture if returned or that they wish to seek asylum (The United States Department of Justice 2022a). If asylum-seekers demonstrate credible fear during their interview with an asylum officer, then they can proceed with the asylum application process (American Immigration Council, 2020). In FY 2019, the United States Citizenship and Immigration Services (USCIS) found that 75,272 individuals established credible fear (USCIS, n.d.a). The number of credible fear claims has exponentially grown since the procedure was adopted in FY 2009 (5,523 cases) to FY 2019 (102,204) (USCIS, n.d). Reasonable fear screening procedures are available to individuals who unlawfully re-enter the country or those with convictions for some crimes, which allows them to go through the reinstatement of removal process (The United States Department of Justice 2022a). In FY 2019, USCIS found 3,306 individuals established reasonable fear (USCIS, n.d.b). These are only screening processes rather than decisions about asylum. Individuals with credible or reasonable fear are then referred to immigration court (USCIS, 2019). Even after these screenings, it can take years for the asylum process to finalize. Over 40% of immigration court cases for asylum-seekers filed since October 2000 are currently pending (TRAC, 2022d). Wait times because of case backlog average about 54 months or almost

four and a half years (TRAC, 2022d). The asylum process is long, arduous, and complex, and the introduction of MPP exacerbated wait times (TRAC, 2022d).

The Trump administration ushered in a new anti-immigrant policy era. Under this administration, refugee admissions reached their lowest levels since the resettlement program was first enacted (Batalova et al. 2020). In FY 1980 there were 207,116 refugee arrivals in the U.S., and by FY 2020 the number of arrivals dropped to a low of 11,840 (Office of Immigration Statistics, 2022b). The Trump administration made targeted efforts to significantly reduce asylum opportunities for Latinos. Under this administration, DHS pressured governments from El Salvador, Guatemala, and Honduras to enter into an agreement to require that migrants intending to seek asylum in the U.S. first seek asylum in any of those three countries. Additionally, asylum-seekers removed from the U.S. would be eligible to be deported to El Salvador, Guatemala, or Honduras without it being their country of origin (DHS, 2020; Ibe, 2020). One of the concerns with this plan is that nationals from El Salvador, Guatemala, and Honduras often seek asylum due to persecution, gang violence, and other personal safety concerns (Justice for Immigrants, n.d.). Additionally, the respective governments of El Salvador, Guatemala, and Honduras lack the infrastructure needed to address large numbers of asylum-seekers. Furthermore, these countries fail to meet the standards set by 8 U.S.C. § 1158 to be deemed a “safe third country” (Justice for Immigrants, n.d.). The Biden administration ended the asylum agreements which had only been adopted in Guatemala (Rodriguez, 2021). For its part, Mexico refused to sign a similar agreement, claiming that it had already made efforts to substantially reduce migration from Mexico to the U.S. (Felter & Cheatham, 2019).

The first iteration of MPP ran from January 2019 through January 2021 (American Immigration Council, 2022; DHS, 2022b). Case backlogs were touted as one of the issues that MPP would help remedy. However, it had the opposite effect. The immigration court system currently oversees over 1.3 million cases, including over 600,000 asylum claims (Messner, 2021). The asylum case backlog has been a consistent challenge and continues to grow (Messner, 2021). For instance, at the end of FY 2020, the affirmative asylum backlog had 336,053 cases (Jaddou, 2021). At the same time, asylum denials grew to their highest rates, peaking at 71% in FY 2020 (TRAC, 2021c).

When MPP was first adopted (MPP 1.0), it required that asylum-seekers from Spanish-speaking countries (and Brazil), excluding Mexico, enroll in the program (Slack & Martinez, 2020). Exclusions for MPP enrollment included unaccompanied children, individuals processed for expedited removal, petitioners likely to face persecution in Mexico, those with special circumstances including disabilities and medical needs, and others at the discretion of the Port Director or Chief Patrol Agent (DHS, 2021a). To bypass MPP enrollment, asylum-seekers needed to pass a “non-refoulement interview,” which dealt with the asylum-seeker’s perceived fears of torture or persecution in Mexico. This interview process added a layer to an already cumbersome asylum claim process (Slack & Martinez, 2020).

From January 2019 through November 2021, 71,076 individuals were enrolled in the MPP, including 21,352 children (Transactional Records Access Clearinghouse, 2021a). Decisions about who was subject to MPP were subjective and could take years to process (Aguilera & Carlisle, 2022; Meissner et al., 2018). Under the program directives, asylum-seekers were only allowed in the U.S. to attend their immigration court hearing (DHS, 2019). One of the complications created by the program was that foreign nationals who reached the U.S.-Mexico border through one port of entry could be sent to another port of entry for their hearing. For example, those who entered through Nogales, AZ could be required to attend their immigration

court hearing at the El Paso, TX port of entry (American Immigration Council, 2022). If they managed to attend their hearing, they might have their application deemed to be without merit and ordered to be removed by Immigration and Customs Enforcement (ICE) and Enforcement Removal Operations (ERO) (DHS, 2019; DHS, 2021).

When President Biden took office in January 2021, he ordered that the program pause sending MPP eligible asylum-seekers to Mexico. A month after President Biden took office, DHS announced that it would process active cases (National Immigration Forum, 2021a). In a memo outlining the termination of the program, DHS Secretary Alejandro Mayorkas (2021) stated, “Any benefits the program may have offered are not far outweighed by the challenges, risks, and costs that it presents” (p.1). On August 13, 2021, the U.S. District Court for the Northern District ruled that the Biden administration was mandated to restart MPP, resulting in its second iteration (MPP 2.0) (Monyak, 2021). On December 8, 2021, MPP 2.0 went into effect with some modifications by the Biden administration (American Immigration Council, 2021).

MPP 1.0 was initially restricted to migrants from Spanish-speaking countries (except Mexico) and later Brazil (American Immigration Council, 2022). However, MPP 2.0 expanded the list of eligible participants to include nationals from across the Western Hemisphere, including Haitians and Caribbean nationals (American Immigration Council, 2022; Chishti & Bolter, 2021). MPP 1.0 enrollment consisted primarily of nationals from the Northern Triangle (i.e., El Salvador, Guatemala, and Honduras), whereas most individuals enrolled under MPP 2.0 were nationals from South American countries (Office of Immigration Statistics, 2022; Roy, 2023). Under MPP 2.0, asylum-seekers were given 24 hours to seek legal counsel prior to their non-refoulement interview (DHS, 2021b; Silvers, 2021). These interviews were conducted by government officials to make determinations about whether an individual was disqualified from MPP due to a reasonable possibility of persecution in their native country or a reasonable possibility of torture in Mexico (Silvers, 2021). Non-refoulement related policies expanded in MPP 2.0, yet only about 2% of asylum-seekers in MPP had legal counsel during their non-refoulement interview (American Immigration Lawyers Association, 2022).

Beginning on May 31, 2022, DHS and DOJ launched the interim final rule (IFR) titled “Procedures for Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and CAT Protection Claims by Asylum Officers” (sometimes referred to as the Asylum Officer Rule, which aimed to address case backlogs (DHS, 2022a). Under this process, individuals placed into expedited removal, who established credible fear, were referred for an asylum merits interview (AMI). If released from custody, applicants were required to reside in one of six locations where AMIs were conducted (DHS, 2022a). These interviews were scheduled from 21 – 45 days after the credible fear had been established (DHS, 2022a). IFR was criticized for compromising due process and fairness in its efforts to provide case backlog relief (Federal Register, 2022). Another criticism IFR faced related to the harm it would inflict on asylum-seekers due to the unreasonable fast track process which discourages access to legal representation (Federal Register, 2022; Human Rights First, 2022).

Since its inception, thousands of asylum-seekers have been impacted by the “remain in Mexico” order, and its impact is primarily isolated to Latin American asylum-seekers. In FY 2001, Spanish-speakers made up 14% of asylum-seekers, but by FY 2020 this number grew by more than four times (68%) (TRAC, 2021b). During MPP years of FY 2020 through FY 2021, male asylum-seekers outnumbered female applicants and were granted asylum at similar rates (TRAC, 2021b). In FY 2020, juveniles had a lower success rate of being granted asylum compared to adults (TRAC, 2021b). Only a small fraction of asylum-seekers attain successful

case outcomes (U.S. Department of Justice 2020). From FY 2001 and FY 2021, asylum-seekers from Mexico, El Salvador, Guatemala, and Honduras ranked among the five least successful nationalities to be granted asylum (TRAC, 2021b). Prior to MPP, the U.S. only granted asylum to 3.7% of migrants from Central American countries (Amnesty International 2020). Government instability, poverty, gang violence, and organized crime in Central America created conditions that gave rise to the growing number of asylum-seekers from Latin American countries (Cheatham & Roy, 2022; Paarlberg, 2021).

Risks of “Remain in Mexico”

One of the criticisms of MPP is that it violates U.S. (Refugee Act of 1980) and international law (1951 Refugee Convention). Specifically, it violates those laws that prohibit sending asylum-seekers to a country where they fear persecution (Hampton et al., 2021; Human Rights Watch, 2017). The Refugee Act of 1980 and the 1951 Refugee Convention recognize one’s human right to seek asylum. While applicants cannot be sent to the country where they claim they are being persecuted, they can be sent to a third country with its own forms of instability. One issue with this process is that it may serve to create the illusion that claimants have an opportunity to apply for asylum in the country in which they intended to seek asylum (United States), when in fact they may not receive a fair opportunity to present their case. The implementation of MPP required coordination and support from the Mexican government, which played a central role in its execution. The Mexican government lent its support by becoming a host country for thousands of displaced asylum-seekers. Mexico was tasked with serving as the host country for MPP enrollees while they awaited their court hearing. President Trump expressed frustration with the Mexican government and accused it of not doing more to control migrants and prevent asylum-seekers from reaching the U.S.-Mexico border. He stated, “Mexico does nothing for us, they do nothing for us. Mexico talks, but they do nothing for us, especially at the border” (as cited in Korte & Gomez, 2018, p. 2). Gilman (2020) notes that Mexico was coerced into this role because of U.S. threats to bilateral relations and tariffs. In addition to supporting the program as a host country, Mexico also caved to pressure from the U.S. on immigration enforcement within its own borders. In the spring of 2019, Mexico began to aggressively increase immigration arrests (Chishti & Bolter, 2021) by monitoring highway routes taken by migrant families traveling toward the U.S.-Mexico border. In doing so, it intended to decrease the number of migrants traveling north. Because of these crackdowns, 31,000 migrants were apprehended by Mexican officials in June 2019, which at the time was the highest number of monthly apprehensions on record (Chishti & Bolter, 2021).

Decisions about the future of MPP heavily involved the Mexican government, and its support became pivotal when the Biden administration was required to reimplement the program. Mexico’s involvement in the program was met with pushback from immigrant rights activist groups who urged the Mexican government to withdraw its support. Over 70 U.S. and international human rights and immigrant rights organizations signed a letter calling on the Mexican government to reject the reimplementation of MPP (Women’s Refugee Commission, 2021). They argued that without Mexico’s cooperation, the program would not be reinstated. The letter urged the Mexican government not to be complicit in the ongoing abuse of migrants and refugees (Women’s Refugee Commission, 2021). The Mexican government released a statement about its ongoing dialogue with the U.S. government regarding the program’s reimplementation as well as concerns related to humanitarian issues and procedures (Gobierno de Mexico, 2021). Nevertheless, Mexico pledged its support with some conditions of engagement.

Under MPP 2.0, the Biden administration and Mexican government negotiated some key changes. For instance, the U.S. government agreed to coordinate safe transportation to and from ports of entry to shelters, help ensure access to temporary shelter, and coordinate with the Mexican government to provide MPP enrollees with temporary legal status in Mexico so that they would be able to access services and be able to work (Silvers, 2021). Furthermore, the Mexican government demanded that MPP enrollees have access to COVID-19 vaccinations and legal counsel (Gobierno de Mexico, 2021; Miroff & Sieff, 2021). The Mexican government advocated that the U.S. government earmark funding for shelters to improve the temporary living conditions of asylum-seekers (Gobierno de Mexico, 2021). It also emphasized the need to respect vulnerable groups, including unaccompanied minors, pregnant individuals, the elderly, and unilingual indigenous people. Despite coordinated efforts to ensure additional services and increased safety measures, MPP enrollees continued to contend with grave threats upon return to Mexico.

Asylum-seekers have a history of trauma, and MPP forced them to confront additional forms of trauma and abuse (Human Rights First, 2021b). Numerous reports found that MPP enrollees were targeted by gangs, Mexican government agents, and U.S. government officials (Hampton et al., 2021). According to DHS (2019), MPP was intended to help “decrease the number of those taking advantage of the immigration system and the ability of smugglers and traffickers to prey on vulnerable populations...” (DHS, 2019, p.1). In reality, vulnerable populations became even more susceptible to harm, including theft, extortion, kidnapping, physical violence, and sexual violence, among other forms of trauma (Garrett, 2020; Hairapetian, 2020; Slack & Martinez, 2020). As many as 81% of families enrolled in MPP reported not feeling safe in Mexico (DHS, 2021b). The majority (over 60%) of MPP enrollees experienced at least one form of harm while in Mexico (Garrett, 2020). Within the first year of MPP, there were over 1,500 reported cases of kidnapping, murder, rape, and other violent assaults on MPP enrollees who were returned to Mexico, including 341 attacks on children (Human Rights First, 2021b). Due to the unstable living conditions in Mexico, some children did not have consistent supervision. In some cases, caretakers were forced to be away from their children to work or look for employment, leaving children to care for themselves (Hairapetian, 2020; Hampton et al., 2021).

Hampton and colleagues (2021) reviewed affidavits of MPP enrollment that should have been exempt, including cases of children as young as four years old. The overwhelming majority of child enrollees who were psychologically evaluated were diagnosed with post-traumatic stress disorder and other psychological conditions. This finding is not surprising given the increased threat and violence that child MPP enrollees experienced in Mexico. According to DHS (2021b), child MPP enrollees made up 48% of targets for physical violence and 48% of kidnapping victims. In some cases, children were victimized alongside their caretakers. In one case, an MPP enrollee and her child were kidnapped and held hostage until her family paid a ransom (Hampton et al., 2021). While they were held against their will, the mother was repeatedly raped, and her child was forced to watch. In another case, a six-year-old child who was kidnapped with his father lost half of his body weight from the trauma endured during their kidnapping (Hampton et al., 2021). The figures and cases noted above capture some of the trauma child MPP enrollees confronted, but there are still many unknowns due to unreported crimes.

Besides living in unsafe conditions due to threats of harm, asylum-seekers endured unsanitary living conditions, which negatively impacted their health and well-being (Hairapetian,

2020; Hampton et al., 2021). Furthermore, they were forced to live in overcrowded homeless shelters, tent cities, and encampments (Narea, 2019). They endured limited access to social services and forced family separation (Hampton et al., 2021). Unlike the Trump administration's "zero tolerance policy," which actively sought to separate children from parents, separation due to MPP occurred in more subtle ways. Upon their forced return to Mexico, parents were kidnapped or disappeared, and children were left to seek refuge at the U.S.-Mexico border on their own. Separation also ensued when a child arrived at the border with a grandparent, sibling or any other non-parent or non-legal guardian. The child could be deemed an unaccompanied minor, and the non-parent or non-legal guardian would be ordered to remain in Mexico.

During the second iteration of MPP, pursuant to 6 USC § 279(g)(2), CBP was obligated to abide by the legal standard used to define an unaccompanied migrant child, which made the person the child traveled with ineligible to serve as a sponsor. However, a non-parent or non-legal guardian sent to Mexico might have pertinent information or documents that could aid the child's asylum case, and due to separation, that information would not be available to assist in the child's petition. The means of separation described above created challenges for tracking and reuniting separated family members. Furthermore, DHS failed to keep an accurate record of separated families (C-Span, 2019; Young Center for Immigrant Rights, 2019). The decision to send MPP enrollees to await their hearing in Mexico led to both short-term and lifelong adverse effects on vulnerable groups, particularly children (American Immigration Council, 2022).

Child MPP Enrollees

Children make up the majority of the world's refugees and migrants (Cohodes et al., 2021). Over half of today's migrants and refugees are under the age of 18 (United Nations High Commissioner for Refugees (UNHCR), 2019). In the U.S., there are over 2.5 million migrant and refugee children (Levesque, 2021). In 2019, dependent children made up 43% (12,909) of refugees admitted into the U.S. (Baugh, 2020). However, only 311 (about 2%) of child refugees admitted into the U.S. are Latin American (Baugh, 2020), as Latin American children seeking asylum in the U.S. had lower rates of success, and MPP served to intensify that issue (TRAC, 2021a). Despite MPP enrollment exemptions, some children who qualified for exemption were enrolled in the program. Children with special needs who were ineligible for enrollment under medical and disabilities issues were still enrolled (Human Rights Watch, 2019b). In one case, an 11-year-old boy with memory loss and vomiting caused by severe epilepsy was enrolled despite CBP being informed of his condition. The child had gone through at least two medical screenings prior to enrollment (Aleaziz, 2021). Other cases in which child enrollees should have been exemption included a 4-year-old enrollee who had chickenpox, his younger sister who had been sexually assaulted, and a 13-year-old with only one functioning lung (Aleaziz, 2021). By enrolling these children in MPP, U.S. government officials violated MPP rules and put children at greater risk of medical and other harm (Aleaziz, 2021).

Previously, asylum officers that conducted MPP non-refoulement interviews had to undergo extensive training. Recently, however, CBP officials have been tasked with completing asylum interviews despite limitations in their training, knowledge, and skills in this task (Nathan, 2019). At least one report suggests that CBP officials, who have recently been charged with conducting MPP non-refoulement interviews, purposely fabricated asylum petitioner's paperwork, including interview notes completed during the non-refoulement interview (Nathan, 2019). Allegations of misconduct include failure to correctly classify a petitioner as a member of an oppressed group in their native country, producing false signed sworn affidavits stating that

petitioners are not afraid of returning to the country of origin, and falsely claiming that petitioners are fluent in Spanish (Nathan, 2019).

It was common for child MPP enrollees to be detained and in placed in government custody (TRAC, 2021a). U.S. detention facilities are often scrutinized for failing to meet the basic needs of the children they house (Linton et al., 2017). Under the Flores Settlement Agreement (FSA), the U.S. government agreed that if it had to detain children, it must house them in facilities that are “safe and sanitary.” These facilities must provide child detainees with “access to toilets and sinks, drinking water and food as appropriate, medical assistance if the minor is in need of emergency services, [and] adequate temperature and ventilation” (Flores v. Meese, 1997). Additionally, facilities are responsible for adequate supervision, releasing children to the custody of approved sponsors, and tasked with holding children in the least restrictive setting for the shortest amount of time possible (Human Rights Watch, 2019c; Justice for Immigrants, 2022). The Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) limits the time that children can be held by CBP without their parent to 72 hours, except under exceptional circumstances (Human Rights Watch, 2019c). Additionally, the conditions at CBP processing centers fail to abide by the American Academy of Pediatrics standards and recommendations for treatment of children (Linton et al., 2017). Even though there are laws and standards that govern the conditions and treatment of minors under U.S. custody, including those who are migrants, major issues continue to be flagged. Despite legal mandates, numerous reports conclude that the conditions of custody for migrant youth fail to meet these and other international basic human rights standards (Human Rights Watch, 2019c). Instead, children have been kept in unsanitary and unsafe conditions, resulting in irreversible damage, including death (Human Rights Watch, 2019c).

Congressional testimony from Associate Director Clara Long of Human Rights Watch described the conditions of detention that child enrollees have endured under MPP. In mid-2019, along with a team of lawyers, doctors, and interpreters, Long traveled to the Clinton Border Patrol Station to interview detained children and their families. At the time of visiting this facility, there were 351 minors detained at the center (Human Rights Watch, 2019c). Among the findings from the visit included children held in jail-like facilities for weeks and denied access to basic sanitary, hygiene, and health needs. The team witnessed children who were visibly ill, dirty, and wore the same clothes worn when they tried to cross the border (Human Rights Watch, 2019c). Children who were interviewed stated that they were only allowed access to showers once or twice a week, or sometimes not at all, and did not have access to soap or toothbrushes. If they were allowed showers, they were limited to three minutes. Regarding supervision, there were toddlers as young as 2 years old who were separated from their adult caretakers and were being looked after by older children. In one case, Long described an 11-year-old child who was caring for his 3-year-old sibling. Both wore muddy pants, had matted hair, and were coughing (Human Rights Watch, 2019c). The 11-year-old child informed the interviewer that at one time, a teenage girl helped him care for his toddler-age brother, but after she left, no one helped him care for his sibling (Human Rights Watch, 2019c, p.3). Long testified that it was commonplace for children to supervise younger children who were unrelated to them. For instance, a 14-year-old girl told interviewers that she was caring for a 4-year-old girl who had been placed in her cell with no adult relatives. She gave the young child any extra food she had, took her to the bathroom, and protected her from others, all while the toddler was sick (Human Rights Watch, 2019c). Despite U.S. laws that children should not be held for over 72 hours, Long’s team found children who had been at that facility for weeks. One child informed an interviewer about being

held at the facility for three weeks and being told to expect to be there for months. Another issue noted by Long and her team was that parents living in the U.S. were not informed about the whereabouts of their detained children. Furthermore, attempts were not made to contact parents, much less coordinate to release their children to live under their parent's care (Human Rights Watch, 2019c). Family separation was commonplace, which rendered children to be classified as unaccompanied minors. Some children were detained while their relatives were sent to Mexico to await their hearings (Human Rights Watch, 2019c).

Hope Fry, executive director of Project Lifeline, echoed similar concerns in her Congressional testimony. In 2019, her team visited Rio Grande Valley (RGV) border patrol stations and interviewed children at three different stations. Fry reported that children were deprived of nutritious meals, clean drinking water, and age-appropriate foods. Caretakers did not have the option to wash bottles for infants, so bottles became contaminated. The food served was frozen or undercooked meals which often made children ill (U.S. House of Representatives Committee Repository, 2019). Children were covered in mud and vomit, and infants wore soiled diapers. A 17-year-old and her 10-month-old infant who had been detained for about a month had not been given access to showers. Fry's team observed that almost all the children they met were ill. Just three weeks prior to their visit, a young boy died of influenza A at one of the facilities. Fry stated that some of the children were too traumatized to speak or interact with interviewers. They concluded that children were treated inhumanely and were even more traumatized than anticipated (U.S. House of Representatives Committee Repository, 2019). Being confined to these detention facilities is unsafe and traumatic for children. The issues with migrant child detention were present prior to MPP, but the program grew the number of children impacted. It also presented issues with access to legal counsel for their asylum petition.

The asylum application process can be long and complicated. However, having access to legal representation is linked to several benefits during the asylum-seeking process, including more effective court proceedings (National Immigrant Justice Center, 2020). Throughout both iterations of MPP, families and children have struggled to secure legal representation despite pro bono options. Research finds high rates of compliance rates among asylum-seeker family units released from detention facilities (Eagly et al., 2018). Government data on immigration court cases from 2001 through 2016 showed that 96% of family members seeking asylum attended their immigration court hearings and less than 2% were English speakers (Eagly et al., 2018). MPP added obstacles for enrollees, including barriers that could keep them from attending their hearing. Enrollees are forced to Mexico with no financial stability and limited options for employment, transportation, and reliable access to phones or other tools for communication with legal counsel. They face challenges with accessing necessary tools (e.g., computer, internet connection, etc.) to successfully prepare their application (David Peroske et al., v. Innovation Lawlab et al., 2020). In addition to the logistics of communicating with counsel, the odds of obtaining counsel have been reduced due to reluctance by legal assistance groups to engage in MPP. Some attorneys, including groups that once represented MPP enrollees, cite concerns that participating in the program would make them complicit in human rights abuses (Beitsch, 2022). In fact, 73 legal services providers, law firms, and law clinics signed a letter stating that they will not engage in the program as legal counsel (Human Rights First, 2021c). They argue that it is not possible to "mitigate the harms of this horrific, racist, and unlawful program" and that humanitarians and U.S. legal representatives should not be forced to "risk their safety due to the failure of this administration to take swift action to uphold U.S. refugee laws and treaties" (Human Rights First, 2021c, p.1). Overall, asylum-seekers face many challenges in trying to

obtain legal representation and effectively prepare for their case. Without legal counsel, some asylum-seekers find the process too complex and difficult to navigate and give up. For instance, a teenager from Nicaragua who was being persecuted for political reasons was denied refugee protection in the U.S. and decided not to pursue an appeal due to lack of representation. Instead, he resigned himself to deportation (David Peroske et al., v. Innovation lawlab et al., 2020).

MPP exacerbated the immigration case backlog. In some cases, asylum-seekers are forced to wait up to five years for their first immigration hearing (National Immigrant Justice Center, 2020). Unlike migrants who are allowed to await their hearing in the U.S., MPP enrollees are less likely to attend their hearing due to the multitude of complications created by MPP. About 90% of migrants allowed to remain in the U.S. attend their immigration hearing compared to only 50% of all MPP enrollees (TRAC, 2019), who encounter issues with access to reliable transportation, limited resources, lack of notification, and safety issues in Mexico, among other barriers that reduce the likelihood of attending their hearing (American Immigration Lawyers Association, 2022; Trac Immigration, 2019). These issues are worsened by the fact that children are largely dependent on a parent or guardian to transport them to the hearing. In a 2021 letter, Secretary of Homeland Security Mayorkas noted that almost half (44%) of removal decisions were made in absentia. He stated that this number raised questions about the “design and operation of the program, whether the process provided enrollees an adequate opportunity to appear for proceedings to present their claims for relief” and whether the conditions enrollees face in Mexico essentially force them to abandon their claims (Mayorkas, 2021, p.4).

MPP has been riddled with serious problems since its inception, which negatively impact MPP enrollee case outcomes. During MPP 1.0, less than one percent (0.9%, n=641) of over 71,000 enrollees obtained asylum or another form of relief (TRAC, 2022). Asylum-seekers did not fare much better under MPP 2.0, as its accelerated process made it much more challenging for asylum-seekers to acquire legal representation, which is critical to their case outcome. Only 5% were able to obtain legal counsel (TRAC, 2022), which is crucial to case outcomes in immigration court (Pierce, 2015).

Present Study

Absent from the literature is the examination of the impact of MPP on child enrollees that uses narratives of their experiences in conjunction with data on child MPP deportation proceedings. This study sought to understand the impact and magnitude of MPP on child enrollees by uncovering a pattern of experiences across their asylum-seeking journey, including significant events pre-migration, MPP enrollment, court processes, “remaining in Mexico,” and the termination of enrollment.

Methodology

It is unknown how many children who qualified for exemption were enrolled in MPP, but over 20,000 children have been enrolled since the program was adopted three years ago. Two secondary sources of data were used to explore child MPP enrollee case characteristics and outcomes as well as major events spanning pre-migration through the conclusion of MPP enrollment. First, I drew data from the Transactional Records Access Clearinghouse (TRAC), which gathers data from federal agencies and federal courts using the Freedom of Information Act request (FOIA) on U.S. federal immigration enforcement. Using TRAC data, I include descriptive statistics on child MPP demographics (i.e., nationality, age group, sex) and case characteristics (i.e., custody status, legal representation status, hearing attendance, and case

outcome) from FY 2019 through FY 2021 for child MPP enrollees (TRAC, 2021a). These data allow me to assess patterns and summarize the demographics (i.e., nationality), custody related, and case specific outcomes (i.e., legal representation, hearing attendance, and case outcome). Second, I assessed letters written by child MPP enrollees outlining their pre-migration through conclusion of MPP experiences. These letters were made available by a U.S.-based non-profit that focuses on protecting and advancing rights for immigrant children (Young Center for Immigrant Children's Rights, 2022). The letters allow me to explore the struggles and resilience of seven child MPP enrollees.

Results

MPP Case Proceedings

From FY 2019 through FY 2021, there were 21,352 child MPP enrollees, which represented about one in three of all MPP enrollees (TRAC, 2021a). Among child enrollees, the number of participants were almost evenly divided across age groups. Newborn to toddler age (0–4) children accounted for 30% (n=6,350), young and school aged children (5–11) represented 42% (n=9,095), and preteens and teens (12–17) made up 28% (n=5,907). More than half (53%) of the total child enrollees were identified as male (TRAC, 2021a). Most child enrollees were from Spanish0-speaking countries in Central and Latin America and ranked in the following order: Honduras (n=9,118), Guatemala (6,270), El Salvador (n=2,802), Ecuador (n=847), and Venezuela (n=845) (see Figure 1). Child MPP enrollees were predominantly from the Northern Triangle. The demographics of child enrollees reflect earlier concerns that Latinos were the primary target of the program.

[Insert Figure 1 here]

Data on case characteristics and outcomes are provided in the aggregate for MPP enrollees between 0 and 17 years of age. When appropriate, case outcomes are broken down by the age groupings highlighted above to identify any patterns across groupings. Detention was commonplace among child MPP enrollees (see Figure 2). Almost 59% (n=12,504) of all children in the program were detained in government custody at some point. Approximately 33% (n=7,138) were released, and only about 8% (n=1,710) were never detained.

[Insert Figure 2 here]

Prior to MPP, obtaining legal representation was challenging (Eagly, Shafer, and Whalley, 2018), as migrants do not have a right to government appointed legal representation. Approximately 90% of child MPP enrollees in this sample did not have legal counsel or became unrepresented at some point (see Figure 3). There was minimal variation in legal representation across child age groups. With respect to differences across age groups, pre-teen and teenage (12–17 years old) MPP enrollees had the highest rate (about 11%) of legal representation.

[Insert Figure 3 here]

One of the other factors that may impact case immigration court outcomes is hearing attendance. Slightly more than half (55%) of all child enrollees were present at their hearing (see Figure 4). Across age groupings, about 53% (n=3,273) of children (0–4 years old) were present

at all hearings, followed by 55% (n=5,016) of children (5–11 years old), and lastly, 58% (n=3,414) of preteen and teen (12–17 years old) enrollees. One of the implications of this trend is that it might be more challenging for parents or guardians to travel to hearings with children, especially those who are very young. Failure to attend immigration court hearings can create negative hearing outcomes made *in absentia*, including decisions for removal. About 40% (n=8,588) of immigration court decisions were made *in absentia* and 5% (n=1,061) of child MPP enrollees were still waiting for their first immigration court hearing.

[Insert Figure 4 here]

The most common case outcome for child MPP enrollees was an order for removal (46%), followed by a pending decision (29%), termination of proceedings (21%), other closure (3%), grant relief (less than 1%), and voluntary departure (less than one tenth of 1%) (see Figure 5). With respect to how these decisions impacted children by age group, the youngest fared worse with respect to decisions for removal. Half of children 0–4 years old received an order for removal, followed closely by children in the 5–11 (46%) age group, and lastly children 12–17 (44%) years old. Of the 21,352 child MPP enrollees, only 159 were granted relief. Broken down by age group, 46 children in the 0–4 group, 85 children in the 5–11 age group, and only 30 children in the 12–17 age group were granted relief. Case outcomes for child MPP enrollees were grim. The trends and figures discussed above provide some understanding as to the severity and impact of MPP on children, but these figures fail to capture the human toll that this program takes on children and their families.

[Insert Figure 5 here]

The section that follows addresses issues of trauma by providing a deeper understanding of the impact of this program based on the experiences of eight child MPP enrollees.

Letters by Child MPP Enrollees

Interviews, narratives, and letters are some of the methods used to collect information to highlight and acknowledge unique lived experiences. MPP enrollees across all age groups have been interviewed by non-profits, clinics, attorneys, journalists, government officials, and others. They often recount trauma beginning with events pre-migration through the distress endured as a direct result of MPP enrollment. These stories help give insight into their hardships and strength, which are otherwise omitted when strictly focusing on DHS data or other sources of data that fail to consider the human toll of immigration enforcement policies. The letters explored in this paper address the circumstances that led these children and their families to migrate to the U.S.-Mexico border to seek asylum. They also describe the host of challenges they encountered while having to wait in Mexico for their court hearing. The letters revealed issues with the current state of child immigration court hearings. Lastly, they revealed events that occurred between MPP enrollment and deportation.

In total, there were six letters written from the perspective of child MPP enrollees (Young Center for Immigrant Children's Rights, 2022). One of the letters included narratives of a sibling pair in the same letter. With respect to confirmed ages in this sample of child MPP enrollees, they ranged between 5 and 16 years of age. However, the age of one of the children was not specified in their letter. Based on details provided in the narrative, the child was likely between

10 and 17 years old. Five of the children in the sample were natives to El Salvador and two were from Honduras. There were three females and four males in the sample (see Table 1).

[Insert Table 1 here]

I analyzed the letters using deductive thematic analysis (Boyatzis, 1998; Silverstein, Long, Burner, Parmar, Schneberk, 2021). I coded data to identify patterns and themes across the letters, created numbers and codes, and assigned those to each major theme identified in the letters. After the initial reading, I open coded the letters line-by-line to create initial codes. I used a memoing method as I generated codes. Next, I developed those codes into themes and finalized the thematic map. I re-read each letter at least five times to refine the final thematic map. In the end, I identified and collapsed findings into nine themes. Results were organized based on the following contextual events: pre-migration, MPP enrollment, asylum-seeking proceedings, and post MPP or asylum denial. Upon completion of the thematic map, I reviewed every letter for the presence of each subtheme within the contextual events noted above. The final codebook contained nine themes and 25 subthemes (see Table 2). Their migration journey was broken down into four subthemes: *pre-migration*, *MPP*, *asylum seeking proceedings*, and *post-MPP or asylum denial*. The period defined as *pre-migration* encompassed the period prior to beginning their migration journey. This subtheme addressed the factors that drove them to seek asylum. The second subtheme was *MPP*. This stage of the journey spanned the period of reaching the U.S.-Mexico border, enrollment in MPP, and their time living in Mexico because of MPP enrollment. The *asylum-seeking proceedings* focused on the timeframe that encompassed their immigration court hearing. The *post MPP or asylum denial* covered the period from the end of their hearing through the conclusion of asylum-seeking journey.

[Insert Table 2 here]

Five themes emerged that described the context of their experiences during the stages of their asylum-seeking journeys. The theme of *family significance* included subthemes of *family separation*, *family reunification*, and *extended family support*. As discussed earlier, family separation is part of the defining characteristics of MPP. The *legal stressors* revolved around legal issues during the children's asylum-seeking journey and included the following four subthemes: *denied asylum*, *deported*, *government custody*, and *no legal representation*. *Mental health* consisted of subthemes on *anxiety*, *depression*, *fear*, *illness*, *loss of appetite*, *night terrors/poor sleep*, and *social isolation*. The theme of *security* captured issues including *food insecurity*, *health care insecurity*, and *housing insecurity*. Their asylum-seeking journey was marked by several forms of *trauma* including *kidnapping concerns*, *threats*, *attempts or witnessing*, *non-physical abuse*, *physical abuse*, *sexual abuse*, *threat (non-kidnapping)*, *violence against household members*, and *witnessing violence*.

Table 2 presents a map of the content analysis for the respective subthemes during each stage of the children's experiences from *pre-migration* to *post MPP or asylum denial*. Each asterisk represents an experience tied to that subtheme. Beginning with the *pre-migration* period, the data revealed that this sample of child MPP enrollees had been exposed to multiple forms of violence prior to the start of their asylum-seeking journey. During this timeframe, threats (non-kidnapping), violence against household members, and witnessing violence were commonplace. Next, *MPP* reflected issues highlighted in the Congressional reports noted earlier. For instance,

during the “remain in Mexico” period, children and their respective family members lived in unstable and dangerous conditions. In one case a child and his mother were kidnapped for two months. Once they were able to have a court hearing (*asylum-seeking proceeding*), they experienced other forms of harm. The legal process has failed to consider child asylum-seekers’ vulnerability and need for privacy to discuss their case. One of the letters described a situation in which a child and their abusive parent were part of the same court hearing. The final stage of their journey, *post MPP or asylum denial*, includes the final measures that some children took as a last resort to seek asylum. One child who fled her native country in part to escape ongoing sexual and physical abuse from her father decided to go to the U.S.-Mexico border alone after being denied asylum alongside her mother. She was taken into government custody, held in a shelter for a short time, and subsequently deported. It is unclear whether the advocacy group that took on her case, as was implied in the letter, did anything to assist her in exploring the option of petitioning for Special Immigrant Juvenile (SIJ) classification. Based on the details in the letter and the eligibility requirements, she might have qualified (United States Citizenship and Immigration Services (USCIS), 2022b). This case demonstrates a possible gap or missed opportunities for child petitioners whose cases might be more in line with the requirements of SIJ to explore that option. The map provided in Table 2 includes the frequency of subthemes, but it does not fully capture the stress and strain introduced by asylum-seeking journey nor the consequences of MPP.

Table 3 provides illustrative quotes of experiences described by child MPP enrollees throughout the stages of their migration journey. *Family significance* played a critical role across their respective journeys. All the children in this sample migrated to the U.S.-Mexico border alongside siblings, parents, or caregivers. Family separation, primarily parent and child, occurred as a direct result of MPP enrollment. It was common for children to seek refuge alone as a last resort after having to endure the dangers present in Mexico. Separation took a toll, as children faced emotional and psychological challenges; legal problems; lost a sense of normalcy and security in the form of housing, food, and physical safety, including kidnappings.

“After their separation, he constantly cried, called for his mother to return, and wet the bed at night, a sign of developmental regression for a child his age.”

Legal stressors were most common during the *asylum-seeking proceedings*. Their narratives revealed the limitations of hearing-related processes for child asylum-seekers.

“She and her mother couldn’t find an attorney and had to attend their court hearings unrepresented. [She] was afraid to speak and tell her story in court because her hearing was held via video streaming with no privacy for her to share the details of her painful story in a child-appropriate setting.”

The hardships these children endured in the process of seeking asylum had an impact on their *mental health*. Their letters described the dangers that drove them to flee their native country, only to be sent to Mexico where they encountered new and unexpected threats. MPP enrollment served to exacerbate their already fragile emotional and psychological state. Living in unstable and dangerous conditions after being expelled to Mexico took a toll on the children.

“Later, a clinical social worker and forensic evaluator examined [him], previously an innately calm child, and found that he exhibited signs of anxiety and depression, including loss of appetite.”

Throughout their journey, children lost a sense of normalcy and security. Lack of *security* in the form of housing and food were prevalent during the “remain in Mexico” period.

“There, they lived in a makeshift tent in the Matamoros encampment and struggled to find food.”

Living in crowded encampments and nearby shelters compromised their safety and sense of security.

“The girls were unable to attend school and rarely allowed to leave the room out of fear that they would be harmed or kidnapped”.

Their narratives outlined the types of *traumas* they confronted across all levels of their migration journey. Asylum-seekers are often forced to leave their native country out of need and desperation. Gang-related violence was often cited as one of the reasons children and their family’s sought asylum.

“Gang members abducted and killed two of [his brothers] in 2016 and 2019.”

While trauma subthemes were present across all stages, living in Mexico created unique types of harms.

“... the mother and son were kidnapped for two months. This experience was deeply traumatizing for [him] and forced his mother to make the difficult decision of separating from him.”

[Insert Table 3 here]

The narratives shared in the letters by MPP child survivors demonstrated that this border enforcement strategy fosters long term negative health, emotional, developmental, and other outcomes.

Discussion

The Trump administration and DHS touted MPP as a means of deterring unauthorized migration and fraudulent asylum cases. Regarding its possible deterrent effect, apprehensions across the U.S-Mexico border were declining prior to MPP, so it is unclear whether the program itself led to lower apprehension rates (Chishti & Bolter, 2021). Suggestions of rampant false asylum claims are unsubstantiated (National Immigration Forum, 2021b). Further, there is no evidence that the program lowered the already rare cases of asylum fraud. Some politicians attempt to misrepresent asylum statistics to push the narrative that asylum claims are typically fraudulent. For instance, former Attorney General under the Trump administration, Jeff Sessions, claimed that “Our courts find that 80% of those who do file for asylum aren’t qualified for it, do not merit that relief” (as cited in Valverde, 2018, p.1). The low asylum grant rate does not mean that denied claims were without merit. There are several reasons why claims may be denied.

Some cases are denied because of procedural reasons (Valverde, 2018). In other cases, applicants do not have knowledgeable legal representation or any legal representation and miss critical deadlines or do not submit all required documents due to lack of understanding the process (Sherman, 2017). Another consideration is that some claims, particularly those focused on gang and domestic violence, simply do not qualify for asylum based on current law.

DHS also suggested MPP would help solve the immigration case backlog. However, Mayorkas (2021) noted that rather than help clear the asylum backlog, “over the course of the program, backlogs increased both the USCIS Asylum Offices and EOIR” (p.4). MPP exponentially increased case backlog in targeted MPP-designated courts along the U.S.-Mexico border (Chishti & Bolter, 2021). Four non-MPP courts in California and Texas had an increase in cases of 12% and 32% from FY 2018 and FY 2019. At the same time, MPP-assigned courts experienced exponential case growth. For instance, the San Diego, CA court’s backlog increased by 172%, Harlingen, TX increased by 258%, and El Paso, TX had the largest rise, at 298% (Chishti & Bolter, 2021). The U.S. Justice Department attempted to address this issue by adding 22 immigration judges to exclusively hear MPP cases, but estimates suggest that it would require at least another 100 immigration judges to make any difference in case backlogs (Chishti & Bolter, 2021). There is an overall backlog of 1.8 million cases in the immigration system (TRAC, 2022e).

The American Federation of Government Employees Local 1924, representing asylum officials and other government employees, filed a brief with the 9th U.S. Circuit Court of Appeals against MPP (Innovation Law Lab et al., v. McAleenan, 2019a). It argues that “MPP is contrary to America’s longstanding tradition of providing safe haven to people fleeing prosecution” and “violates our international and domestic legal obligations” (Innovation Law Lab et al., v. McAleenan, 2019a, p.3, p.11). In a separate court brief, former U.S. government officials, including a former secretary of DHS, argued that MPP runs contrary to international asylum commitments and “threatens the foundation of the international refugee system” (Innovation Law Lab et al., v. McAleenan, 2019b, p.13).

The human toll of this program cannot be measured, particularly its effect on the most vulnerable. Young lives have been completely changed because of the added trauma introduced by this program. From FY 2019 through FY 2021, over 20,000 child asylum-seekers were enrolled in the program. Among those most impacted were children from Latin American countries, especially the Northern Triangle. Roughly 7 out of 10 children in the program were under the age of 12. Infants and toddlers were the dominant age group (0–4 years old), accounting for one in three MPP enrollees (TRAC, 2021a). Children, especially the youngest age group, are unable to navigate the process alone and are largely dependent on parents or caretakers to help them through the immigration system.

Most children in the program were held in government custody. Based on Congressional testimonies and numerous reports, the conditions present across detention centers that house children are unsafe and violate U.S. and international standards (Human Rights Watch, 2019c; U.S. House of Representatives Committee Repository, 2019). Spread of disease in crowded and already unsanitary centers, particularly during the height of the COVID-19 pandemic, resulted in illness and death (Coffey et al., 2010; Robjant et al., 2009). The data also revealed the children’s vulnerabilities across the legal system. The process of seeking asylum is complex, and most children are left with little to no support or resources specifically catered to them. To this point, almost 9 out of 10 child MPP enrollees did not have legal representation during the asylum-seeking process. Having access to legal counsel is critical in helping asylum-seekers understand

the process and have access to someone who can provide support and clarification. Slightly more than half of child MPP enrollees were able to attend their hearing. Others may have been forced to miss due to illness, kidnapping, limited access to secure transportation, among other reasons. Only a small fraction, less than 1%, were successful in their asylum petition (TRAC, 2021a). Those who were denied were left with limited options.

Data on the number of children impacted by this immigration enforcement policy, case processes, and case outcomes outline the scale of its reach. However, letters written about the children's experiences throughout the asylum-seeking process allow for a deeper understanding of the impact of MPP enrollment. Violence in the home, threats, and violence by gangs, put the health and safety of children at risk and cause fear and anxiety. Their mental health struggles were subsequently intensified as a direct result of enrollment in MPP. Forced to reside in Mexico for an undisclosed amount of time, children often confronted new and unfamiliar dangers and harm. Research finds that MPP worsens mental health outcomes because of ongoing exposure to trauma (Silverstein et al., 2021). In their letters, children identified hardships and challenges across all stages of the asylum-seeking journey. These children have already experienced elevated levels of distress and exposing them to additional pain and suffering can result in long term post-traumatic stress disorder (PTSD) and depression (Knipscheer et al., 2015; Li et al., 2016; Steel et al., 2009). Research suggests that factors associated with the asylum process and immigration policies have an impact on psychological functioning (Li et al., 2016).

Despite reports of the damage and trauma created by the program, there is no evidence that the U.S. government has attempted to address the short- or long-term impact it has on children's mental and physical health. Some of the children's letters noted that they were residing with relatives or in the U.S. foster care system. Based on the events and experiences described by the children's letters, all of them need mental and social services. For some of the children in this sample, these may be lifelong needs. Their letters provided a better understanding about the limitations and consequences of the program.

Children were not provided private spaces, legal counsel, or other resources to present their case. Instead, they were required to share intimate details of abuse in a hearing in a virtual setting. In some cases, these hearings are conducted without privacy or legal representation in makeshift tent courts (American Immigration Lawyers Association, 2019). Given the sensitive subject matter and trauma that children are required to discuss in detail, formal adversarial proceedings that lack child-sensitive interviewing procedures can result in incomplete reports (Wolf v. Innovation Law Lab). Children may be unwilling to fully disclose events that corroborate their claims because they are embarrassed, ashamed, or afraid of the consequences for themselves and family (Quas & Lyon, 2019). They may also experience language or cultural barriers that intensify stress or confusion (Quas & Lyon, 2019). Child asylum-seekers should be provided with legal representation and interviewed by experts trained in developmental psychology to improve both the experience and the accuracy of reports (Quas & Lyon, 2019). The program failed to meet the needs of a vulnerable population forced to undergo a complex legal process. While their letters provide some understanding about the short-term impact of child MPP enrollment, we have yet to fully understand its long-term impact.

Conclusion

MPP works to dissuade asylum-seekers from pursuing asylum cases and creates additional burdens of proof and needless complications in the process. The program has drawn criticism from human rights organizations, immigration activists, and civil liberties groups, and

is considered to be a humanitarian failure (Kareff, 2020). Even though the Biden administration and the Mexican government have made attempts to provide additional aid and support to MPP enrollees, at its core it is a program that violates U.S. and international laws and strategically targets Latino migrants (Slack & Martinez, 2020). Rather than devoting more time and resources to the program, some argue that it should be eliminated (Kareff, 2020). Overall, the harms outweigh any of the benefits from the program. DHS has yet to demonstrate evidence that MPP discourages false asylum claims, decreases unauthorized migration, reduces strain on the immigration system, and is more effective in assisting legitimate asylum-seekers as it claimed it would do (DHS, 2021a). Instead, evidence shows that it increased case backlog in MPP designated courts (Chishti & Bolter, 2021). It also produced multi-faceted health, psychosocial, and other adverse outcomes among vulnerable asylum-seekers. Child MPP enrollees have no recourse to address mental health issues or any other long-term negative effects caused by enrollment in the program. Children's routines and relationships were permanently disrupted because of MPP enrollment, as their lives became more restrictive and unstable. Thousands of MPP child enrollees have been denied asylum and condemned to return to their country of origin where their safety and lives are at risk. Asylum-seekers are required to prove persecution by their government or an entity that the government is unable to control. Petitioners who cite gang and domestic violence alone do not qualify for asylum. Threats of persecution must be tied to one of the five protected grounds (i.e., race, religion, nationality, public opinion, or membership in a particular social group) (Roy, 2023; Smith, 2021). The current asylum law fails to consider circumstances outside of its narrow five grounds of protection. Congress can address this and other shortcomings of widespread systemic issues in the asylum process (Smith, 2021). Congress is able to expand qualification for asylum to include gang and domestic violence as well as clarify what is meant by membership of a "particular social group" under current asylum standards (Smith, 2021).

This paper offered a critical review of MPP and provided a comprehensive understanding of its impact on children. The findings can be used to inform best practices that support child-centered practices and services. However, one of the limitations of this study was the small sample size of letters from child MPP enrollees. They provided detailed accounts of their asylum-seeking journeys but were not written by the children themselves. Because of the children's ages, these types of letters are rarely publicly available as these were. With respect to the analysis of the letters, absence of subthemes does not represent absence of those experiences. Regarding the quantitative data presented, one limitation was that the secondary data was not available for analysis beyond descriptive statistics.

Despite its limitations, this study provides an insight into an often-overlooked segment of the asylum-seeking population. It offers awareness of the lived experiences of child MPP enrollees. Furthermore, this study provides a framework for future research that seeks to explore the damage of MPP and similar immigration enforcement policies.

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Figures

Figure 1:

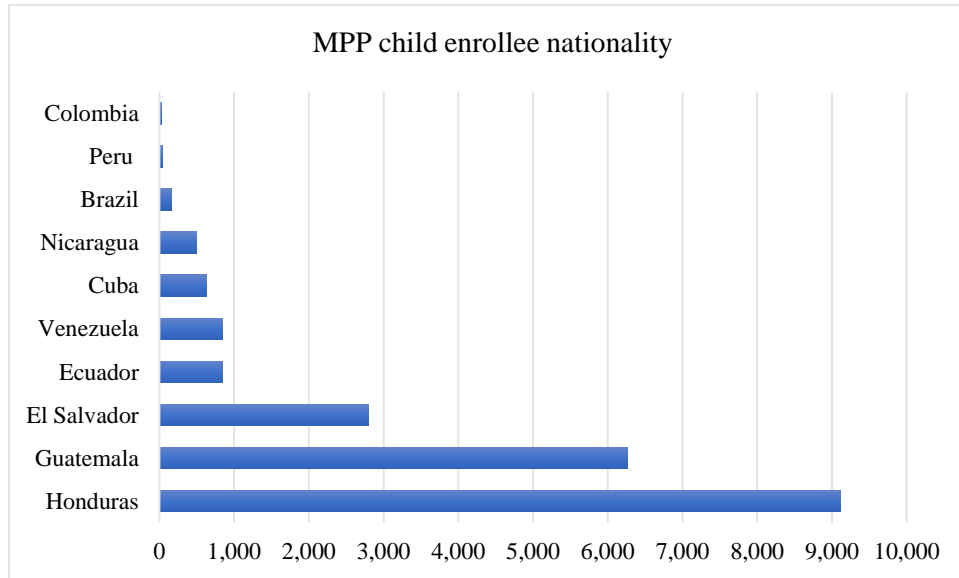


Figure 2:

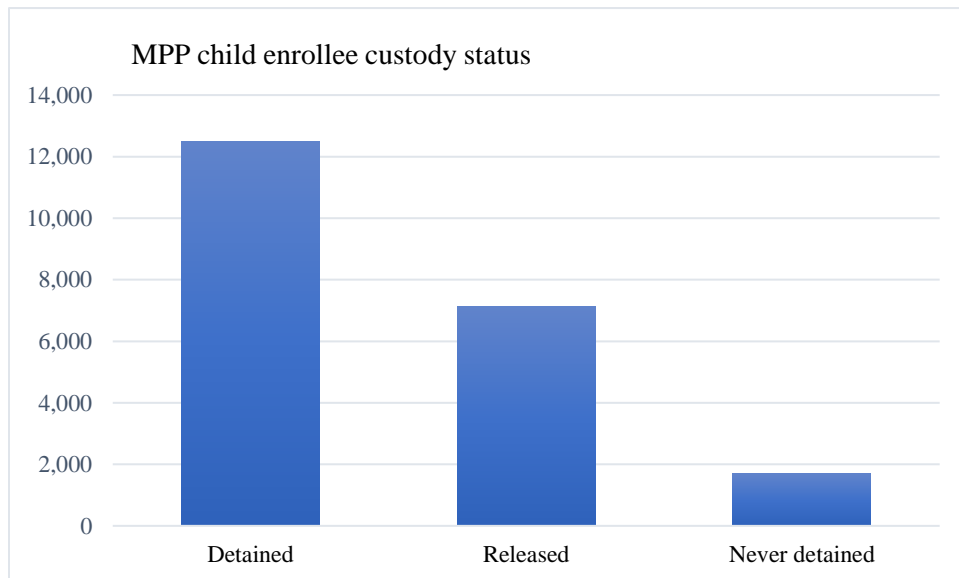


Figure 3:

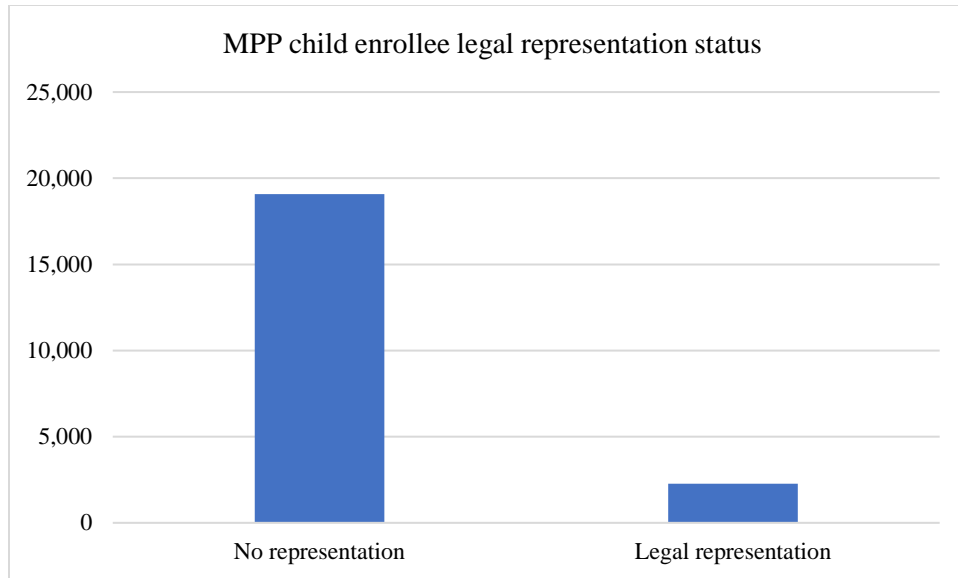


Figure 4:

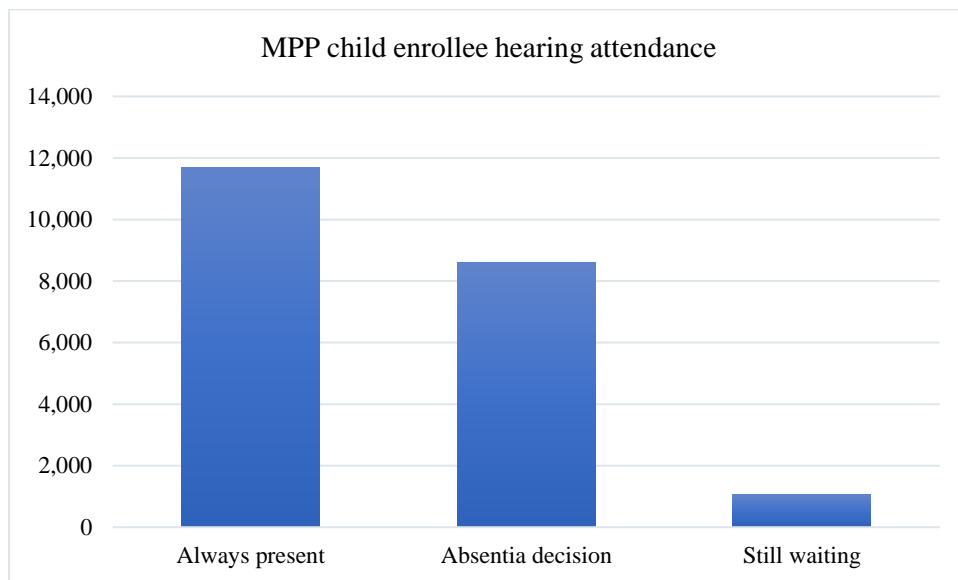
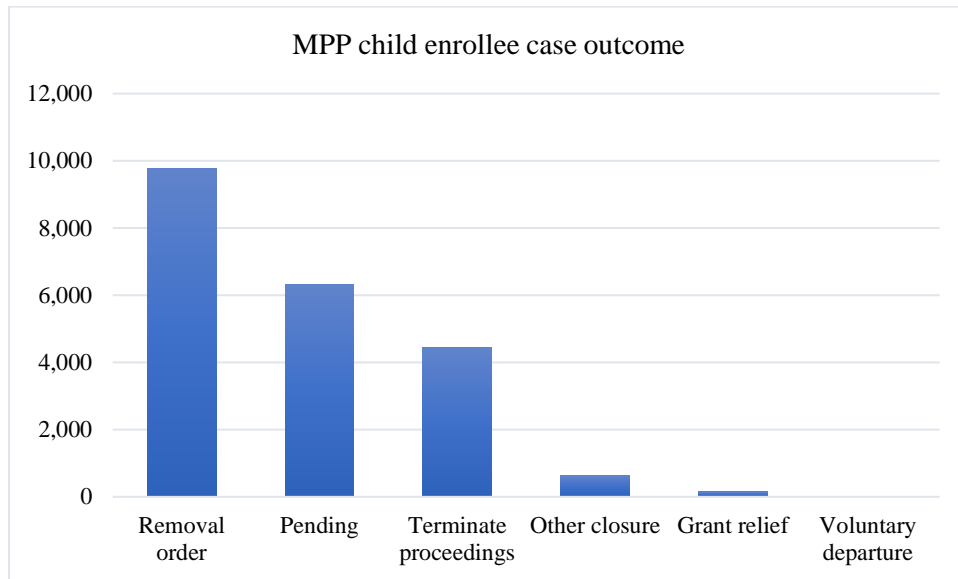


Figure 5:



Tables 1-3

| Table 1: Demographics | | |
|------------------------------|------------|--------------------------|
| Gender | Age | Country of origin |
| Female | 16 | Honduras |
| Male | 5 | Honduras |
| Male | 15 | El Salvador |
| Female | 11 | El Salvador |
| Female | 9 | El Salvador |
| Male | 6 | El Salvador |
| Male | Unknown | El Salvador |

| Table 2: Subthemes across child asylum-seeker journey | | | | |
|--|----------------------|------------|-----------------------------------|----------------------------------|
| | Pre-migration | MPP | Asylum seeking proceedings | Post MPP or asylum denial |
| Family significance | | | | |
| Family separation | ** | ** | | ***** |
| Family reunification | | * | | *** |
| Extended family support | * | | | ** |
| Legal stressors | | | | |
| Denied asylum | | | ***** | |
| Deported | | | *** | * |
| Government custody | | | | ***** |
| No legal representation | | | * | |
| Mental health | | | | |
| Anxiety | * | * | | *** |
| Depression | * | * | | ***** |
| Fear | ***** | ***** | ** | ***** |
| Illness | | ** | | |
| Loss of appetite | | * | | * |
| Night terrors/poor sleep | | | | ** |
| Social isolation | *** | ***** | | |
| Security | | | | |
| Food insecurity | | ** | | |
| Health care insecurity | | ** | | |
| Housing insecurity | | ***** | | |
| Trauma | | | | |
| Kidnapping concerns, threats, attempts, or witnessing | | ***** | | * |
| Non-physical abuse (verbal, emotional, etc.) | *** | | | |
| Physical abuse | **** | | | |
| Sexual abuse | *** | | | |
| Threats (non-kidnapping) | ***** | | | |
| Violence against household members | ***** | *** | | |
| Witnessing violence | ***** | * | | |

| Table 3: De-Identified Quotes Per Subtheme | | |
|---|-------------------------|--|
| Theme | Subtheme | Quote |
| Family significance | | |
| | Family separation | After their separation, he constantly cried, called for his mother to return, and wet the bed at night, a sign of developmental regression for a child his age. |
| | Family reunification | Once in the United States, [he] finally had the opportunity to reunite with his mother and brother. |
| | Extended family support | Shortly after, the boys were released to their aunt so they could continue seeking legal protection. |
| Legal significance | | |
| | Denied asylum | The judge denied [his] and his family's asylum petitions in January 2020 and they were sent back to Mexico. |
| | Deported | [She] was taken from the shelter in the middle of the night and deported to the same dangers she had fled on April 24, 2020. |
| | Government custody | [He] and his brother crossed the border without her and were placed in government custody while their mother remained in Mexico. |
| | No legal representation | She and her mother couldn't find an attorney and had to attend their court hearings unrepresented. |
| | Unaccompanied minor | With no other option to save her son, [his] mother sent him to the border to seek protection alone. |
| Mental Health | | |
| | Anxiety | [He] grew despondent and anxious worrying that his family would not survive or would be sent back to El Salvador. |
| | Depression | In addition to dealing with depression, fear, anxiety, and isolation, [she] also had to endure mistreatment by family and community members who blamed her for the rape and incarceration. |
| | Fear | When they returned to Matamoros, [they] felt hopeless and fearful and they missed their mother. |

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| Illness | [He] became ill due to the extreme weather conditions in Matamoros, where he endured very hot temperatures during the day and extremely cold temperatures at night. |
| Loss of appetite | Later, a clinical social worker and forensic evaluator examined [him], previously an innately calm child, and found that he exhibited signs of anxiety and depression, including loss of appetite. |
| Night terrors/poor sleep | He had nightmares about being abducted like his older brothers. |
| Security | |
| Food insecurity | [His] family struggled to find food, water, and clothes. |
| Health care insecurity | Although his mother searched for medical assistance, she could not find the medical attention [he] needed. |
| Housing insecurity | There, they lived in a makeshift tent in the Matamoros encampment and struggled to find food. |
| Kidnapping concern, threat, attempt, or witness | Her worst fears were realized when at one point, the mother and son were kidnapped for two months. |
| Social isolation | The girls were unable to attend school and rarely allowed to leave the room out of fear that they would be harmed or kidnapped. |
| Trauma | |
| Non-physical abuse (verbal, emotional, etc.) | They were also verbally and physically abused by their father. |
| Physical abuse | When they did not find his brother, they attacked and beat [him]. |
| Sexual abuse | [Her] father sexually abused and raped her and threatened to kill [her] and her mother if they told anyone. |
| Threats (non-kidnapping) | They again threatened to assassinate him and his family. |
| Violence against household family | Gang members abducted and killed two of [his brothers] in 2016 and 2019. |
| Witnessed violence | [She] witnessed her father physically and emotionally abuse her mother and lived in fear. |