

HOUSE RESOLUTION NO. 283

Reps. Schuette, Cavitt, Markkanen, Borton, Kunse, BeGole, Johnsen, Alexander, Beson, Bezotte, Wendzel, Aragona, Wozniak, Bollin, Smit, Bierlein, Slagh, Carra, Hall, Lightner, Outman, Posthumus, Hoadley, Rigas and Jaime Greene offered the following resolution:

1 A resolution to urge the President of the United States to
2 reinstate the Migrant Protection Protocols, also known as the
3 Remain in Mexico program, for processing migrants, including
4 asylum-seekers, attempting to enter the United States from Mexico.

5 Whereas, In general, under section 235 of the Immigration and
6 Nationality Act (INA), if an immigration officer determines that an
7 alien seeking admission to the United States "is not clearly and
8 beyond a doubt entitled to be admitted," then the alien "shall be
9 detained" for formal removal proceedings. However, under section

1 235(b)(2)(C) of the INA, if such an alien "is arriving on land . . .
2 . . . from a foreign territory contiguous to the United States, the
3 Attorney General may return the alien to that territory" pending
4 formal removal proceedings. Aliens may also be "parole[d] into the
5 United States temporarily . . . for urgent humanitarian reasons or
6 significant public benefit" under section 212(d)(5)(A), but "only
7 on a case-by-case basis"; and

8 Whereas, On December 20, 2018, the Trump Administration
9 announced that that it would begin invoking section 235(b)(2)(C) of
10 the INA to help address the illegal immigration crisis at our
11 southern border. The Secretary of Homeland Security stated that,
12 pursuant to this authority, "individuals arriving in or entering
13 the United States from Mexico—illegally or without proper
14 documentation—may be returned to Mexico for the duration of their
15 immigration proceedings." It was predicted that this would have the
16 effect of deterring non-meritorious asylum claims, which would help
17 our nation process its enormous backlog of asylum cases. This Trump
18 Administration program was named the Migrant Protection Protocols,
19 and it came to be referred to as the Remain in Mexico program; and

20 Whereas, Implementation of the Remain in Mexico program began
21 on or about January 28, 2019. Under this program, U.S. Customs and
22 Border Protection exercised prosecutorial discretion to decide
23 whether to process aliens under the Remain in Mexico program or
24 other procedures, such as expedited removal. Aliens processed under
25 the Remain in Mexico program would be placed in formal removal
26 proceedings, given a Notice to Appear in immigration court, and
27 returned to Mexico to await their court date. The government of
28 Mexico cooperated with this program, authorizing the entry of these
29 individuals into Mexico and allowing them to apply for work

1 permits; and

2 Whereas, Immediately upon assuming office, President Biden
3 began taking steps to unwind and eventually terminate the Remain in
4 Mexico program. On January 20, 2021, the U.S. Department of
5 Homeland Security (DHS) announced that it was suspending new
6 enrollments in the program; on February 2, 2021, President Biden
7 issued an executive order directing the Secretary of Homeland
8 Security to review the Remain in Mexico program and determine
9 whether to terminate or modify the program; and on February 19,
10 2021, DHS began bringing individuals waiting in Mexico under the
11 program into the United States. The Secretary of Homeland Security
12 issued a memorandum officially terminating the Remain in Mexico
13 program on June 1, 2021, and, after certain legal challenges to
14 that decision were resolved, the program ended in August 2022. In
15 December 2022, a federal district court stayed the termination of
16 the program, holding that the Biden Administration had likely
17 violated the Administrative Procedure Act by making an arbitrary
18 and capricious decision, but, despite this court order, the Remain
19 in Mexico program has not been reimplemented; and

20 Whereas, Remain in Mexico is an important policy that would
21 help secure our southern border. As was acknowledged in the Biden
22 Administration's October 29, 2021, memorandum explaining the
23 termination of the program, this policy likely contributed to a
24 decrease in migration flows. After DHS announced that the Remain in
25 Mexico program would be implemented along the entire southwest
26 border in June 2019, the number of apprehensions of migrants along
27 the southwest border decreased dramatically; and

28 Whereas, The migration crisis along our southwest land border
29 has only intensified in recent years, prompting grave concerns

1 about our national security. Border patrol agents have been
2 overwhelmed, dealing with well over two million encounters with
3 migrants along the southwest land border in each of fiscal year
4 2022 and fiscal year 2023. Since U.S. immigration authorities do
5 not have the resources to detain every migrant encountered at the
6 border, migrants are instead released *en masse* under INA section
7 212(d)(5)(A), on "humanitarian parole." In order to secure our
8 border, stop the flow of drugs from Mexican cartels, and protect
9 our homeland, we need to reinstate the Remain in Mexico program;
10 now, therefore, be it

11 Resolved by the House of Representatives, That we urge the
12 President of the United States to reinstate the Migrant Protection
13 Protocols, also known as the Remain in Mexico program, for
14 processing migrants, including asylum-seekers, attempting to enter
15 the United States from Mexico; and be it further

16 Resolved, That copies of this resolution be transmitted to the
17 President of the United States and the United States Secretary of
18 Homeland Security.