Foster Garvey

News

Asylum Hopes Held up by "Remain in Mexico" Program

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After fleeing their home in Central America, 10-year-old Rosie* and her father arrived in the United States seeking asylum and were immediately placed in the Migrant Protection Protocols ("MPP") program, often referred to as the "Remain in Mexico" program.

According to The Washington Post, approximately 60,000 people have been placed into MPP, despite the well-documented dangers that await migrants in Mexico. People in MPP have been kidnapped, raped, assaulted, tortured, starved, threatened with death and killed. The dangerous conditions and logistical complexities of arguing a U.S. court case from Mexico pose huge barriers for access to counsel. Fewer than one percent of people in MPP are represented by counsel.

Rosie and her father were forced to pursue their asylum claim from Mexico, where they had no family, no home and no immigration status. Rosie and her father lived under constant threat of violence. Rosie and her father were told that the only way they could escape the horrors they were living in in Mexico was to give up their asylum claim. Having no other choice, they accepted final removal orders. Rosie and her father were taken from Mexico and sent to a family detention center in the United States to be formally deported from the United States. While in detention, they were able to speak with pro bono immigration attorneys for the first time, who helped them appeal their removal orders. Rosie and her father were released from detention while their appeal was pending. Rosie's father passed away in a tragic accident shortly after they were released from detention.

Foster Garvey is now appealing Rosie's case to the U.S. Court of Appeals for the Ninth Circuit. Our appeal challenges the MPP policy as dangerous, inhumane and unconstitutional. In 2019, Foster Garvey attorneys successfully briefed a Motion to Stay Removal before the Ninth Circuit, ensuring that Rosie remain in the United States while her immigration appeal is pending. Attorneys Devra Cohen, Haiyun Damon-Feng and Benjamin Hodges worked on this matter.

**Names have been changed to protect identities*

Featured People

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