

# Migrant Protection Protocols Cohort Report

February 2022

Office of Immigration Statistics



# Homeland Security

## Summary

This report describes Migrant Protection Protocols (MPP) processing and outcomes for noncitizens enrolled in MPP from December 6, 2021 – January 31, 2022. The report summarizes information on enrollee nationalities, fear claims, vaccinations, and processing outcomes (returns to Mexico or disenrollments) by month of MPP enrollment; see Appendix A for detailed data tables.<sup>1</sup> This report will be updated regularly to include information about individuals enrolled in future months along with updated information about earlier enrollees as they move through additional stages of the MPP process.

## Overview of MPP

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

Figure 1. MPP Process Flow



- 1) **Enrollment.** U.S. Customs and Border Protection (CBP) selects non-citizens who are subject to MPP for enrollment. To be eligible for MPP, a person arriving on land must be apprehended at the Southwest Border and hold citizenship from a non-Mexico Western Hemisphere country. 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 is provided a 24-hour consultation period to consult, by phone or video-teleconference, with 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 referred 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 due to one of the vulnerabilities articulated in policy guidance, the enrollee is returned to Mexico through a port of entry (POE). DHS

Enrollees identified as having **particular vulnerabilities**—including those associated with known mental and physical health issues, advanced age, or sexual orientation or gender identity—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.

<sup>1</sup> This report is based on Department of Homeland Security (DHS) Office of Immigration Statistics (OIS) analysis of U.S. Customs and Border Protection (CBP), U.S. Citizenship and Immigration Services (USCIS), and Countering Weapons of Mass Destruction (CWMD) data available as of February 7, 2022.

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

- 4) **EOIR hearings.** MPP enrollees returned to Mexico are placed on an Executive Office for Immigration Review (EOIR) docket specific to MPP. Removal 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 removal proceedings are completed.
- 5) **Re-entry.** The day that an enrollee is due to appear in court, they present themselves at a designated POE where they undergo medical clearance. Proof of COVID-19 vaccination and negative COVID-test are required for re-entry into the United States.
- 6) **Continued Fear and Vulnerability Consideration.** Enrollees may claim fear of return to Mexico any time they are in the United States. If an enrollee claims fear, the individual will be given a 24-hour waiting period to consult with a legal representative. Likewise, changes in a given enrollee's particular vulnerability can be considered when in the United States.
- 7) **Case outcomes.** MPP enrollees may go through several iterations of re-entry into the United States, EOIR immigration court 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 relief or protection from removal in the form of asylum, withholding of removal, or deferral of removal, or an order of removal to their country of citizenship.

#### **MPP Enrollments and Outcomes**

A total of 673 non-citizens were enrolled in MPP December 6, 2021 – January 31, 2022, including 400 enrollments in January. During the same period, 403 non-citizens were returned to Mexico following initial enrollments, including 212 returns in January; 42 additional returns occurred (all in January) of enrollees who had re-entered for EOIR hearings (Table 1).

Table 1.  
MPP Enrollments, Disenrollments, and Returns

	December	January	Total
<b>Initial MPP Enrollments</b>	<b>273</b>	<b>400</b>	<b>673</b>
El Paso Sector	273	131	404
San Diego Sector	0	142	142
Rio Grande Valley Sector	0	127	127
<b>Intital Enrollment: Returns to Mexico</b>	<b>191</b>	<b>212</b>	<b>403</b>
El Paso Sector	191	80	271
San Diego Sector	0	112	112
Rio Grande Valley Sector	0	20	20
<b>Post-Re-Entry: Returns to Mexico</b>	<b>0</b>	<b>42</b>	<b>42</b>
El Paso Sector	0	42	42
<b>Initial Enrollment: Disenrollments</b>	<b>64</b>	<b>92</b>	<b>156</b>
El Paso Sector	63	36	99
San Diego Sector	0	11	11
Rio Grande Valley Sector	0	43	43
Other	1	2	3
<b>Post Re-Entry: Disenrollments</b>	<b>0</b>	<b>54</b>	<b>54</b>
El Paso Sector	0	54	54
San Diego Sector	0	0	0
Rio Grande Valley Sector	0	0	0
Other	0	0	0

Notes: Table reports total MPP-related events by event date. Data include five people whose CBP enrollment records were deleted; they have been assigned to sectors and enrollment dates based on other information in their case histories. Data are current as of February 7, 2022.

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

### Cohort Reporting Methodology

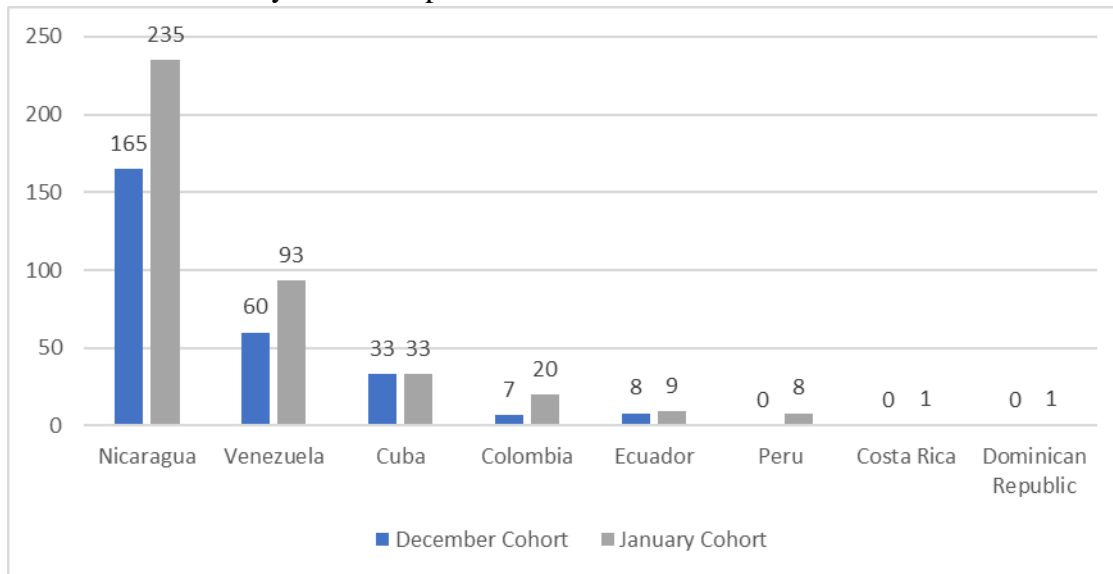
Table 1 reports on the aggregate total of all MPP events (enrollments, returns, and disenrollments) that took place in December and January. The remainder of this report focuses on monthly cohort reporting by linking person-level records from U.S. Border Patrol (USBP), Office of Field Operations (OFO), USCIS, and the Countering Weapons of Mass Destruction (CWMD) Program. The December cohort consists of the 273 unique noncitizens enrolled in MPP in December 2021, and the January cohort consists of the 400 noncitizens enrolled in January. This report describes the processing and outcomes for these two cohorts (and for certain subsets of these cohorts) at each stage of the MPP process (initial enrollment, fear claim, re-entry, etc.), whenever these subsequent events occur. For example, many people in the December enrollment cohort made fear claims and/or re-entered for EOIR hearings in January; those fear claims and re-entries are assigned to the December cohort. This style of reporting provides insight into specific program outcomes, rather than combining events for people at many different stages of the process.

### Initial Enrollments

A total of 673 noncitizens were enrolled in MPP from its inception through January 31, 2022, including 400 noncitizens who were enrolled in January. Since the start of the program, persons from Nicaragua accounted for 59 percent of those enrolled, Venezuela accounted for 23 percent, and Cuba 10 percent. The same top three countries accounted for 59 percent, 23 percent, and 8 percent of initial enrollments, respectively, in January (Figure 2).

Figure 2.

Initial Enrollments by Citizenship



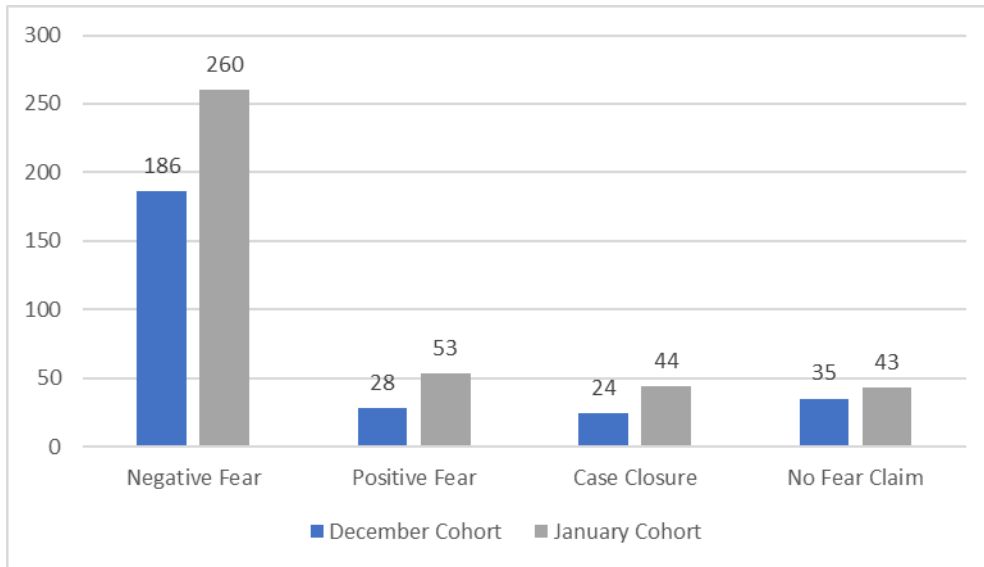
Notes: The December cohort includes individuals enrolled in MPP Dec. 6 - Dec. 31, 2021; the January cohort includes individuals enrolled in MPP Jan. 1 - Jan. 31, 2022. Data are valid as of February 7, 2022.

Source: OIS analysis of CBP data.

Following their initial enrollments, 87 percent of December enrollees claimed fear (238 people), and 89 percent of January enrollees claimed fear (357 people). About three-fourths of NRIs resulted in negative fear decisions, including 78 percent of fear claims for the December cohort and 73 percent of fear claims for the January cohort (Figure 3).

Figure 3.

### Initial Enrollments: Fear Claim Results

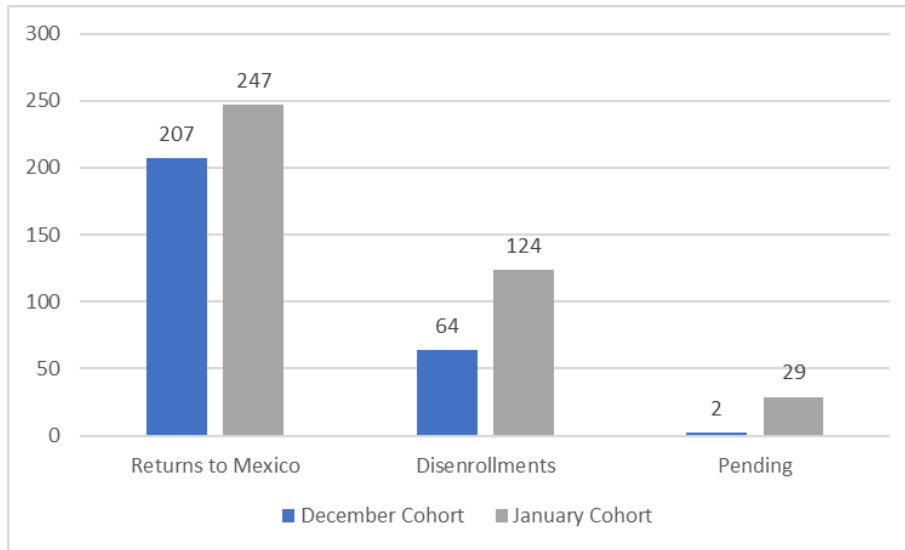


Notes: The December cohort includes individuals enrolled in MPP Dec. 6 - Dec. 31, 2021; the January cohort includes individuals enrolled in MPP Jan. 1 - Jan. 31, 2022. Data include case closures for people with no interviews. Data are valid as of February 7, 2022.  
Source: OIS analysis of USCIS data.

Over three-fourths of the December cohort (76 percent) were returned to Mexico after enrollment, with just under a quarter (23 percent) disenrolled and one percent of cases pending as of February 7, 2022.<sup>2</sup> For the January cohort, 62 percent were returned to Mexico, with 31 percent disenrolled and 7 percent of cases pending (Figure 4).

Figure 4.

Initial Enrollments: MPP Outcomes



Source: OIS analysis of CBP data.

Notes: The December cohort includes individuals enrolled in MPP Dec. 6 - Dec. 31, 2021; the January cohort includes individuals enrolled in MPP Jan. 1 - Jan. 31, 2022. Outcome pending category includes cases with incomplete data available and cases of people who remain in custody pending disenrollment or return. Data are valid as of February 7, 2022.

Source: OIS analysis of CBP data.

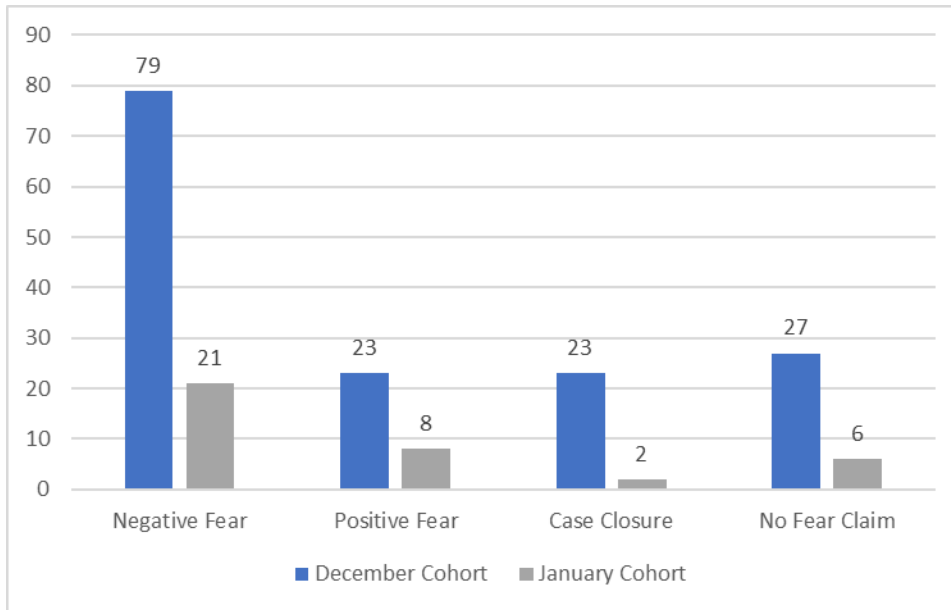
<sup>2</sup> Pending cases include cases with incomplete data available and cases of people who remain in custody pending disenrollment or return.

## Re-Entries for EOIR Hearings

After re-entry, 82 percent of December cohort re-entries claimed fear (121 people), and 84 percent of January cohort re-entries claimed fear (31 people). Four people in the December cohort received two NRIs during the re-entry periods. About two-thirds of NRIs resulted in negative fear decisions, including 63 percent for the December cohort and 68 percent for the January cohort (Figure 5).

Figure 5.

Re-Entries: Fear Claim Results



Source: OIS analysis of USCIS data.

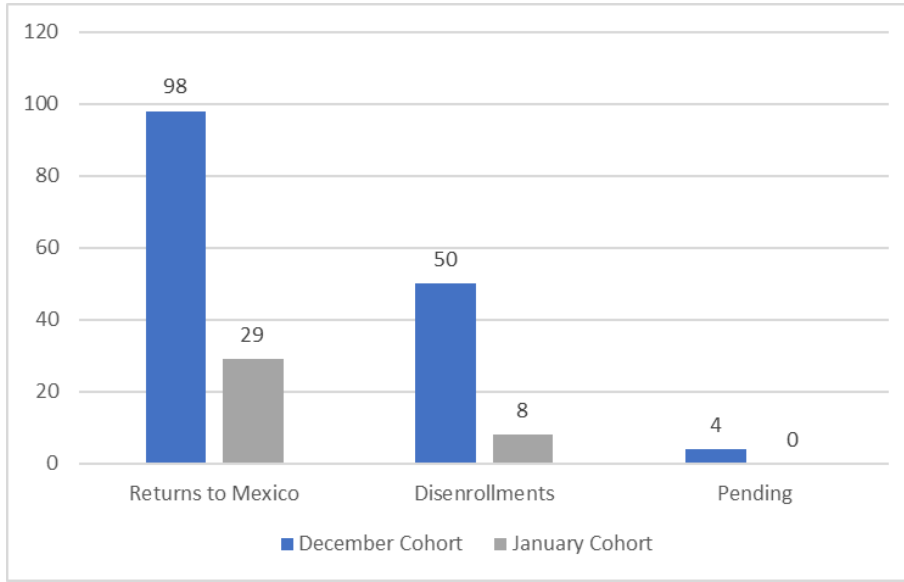
Notes: The December cohort includes individuals enrolled in MPP Dec. 6 - Dec. 31, 2021; the January cohort includes individuals enrolled in MPP Jan. 1 - Jan. 31, 2022. Four people in the January enrollment cohort received two NRIs; data also include case closures for people with no interviews. Data are valid as of February 7, 2022.

Source: OIS analysis of USCIS data.



About two-thirds of the December cohort (64 percent) were returned to Mexico after re-entry, while about a third (33 percent) were disenrolled and 3 percent had re-entry outcomes pending. As of February 7, 2022, over three-quarters of the January cohort re-entries (78 percent) were returned to Mexico after re-entry, while about a fifth (22 percent) had been disenrolled (Figure 6).

Figure 6:  
Re-Entries: MPP Outcomes



Source: OIS analysis of CBP data.

Notes: The December cohort includes individuals enrolled in MPP Dec. 6 - Dec. 31, 2021; the January cohort includes individuals enrolled in MPP Jan. 1 - Jan. 31, 2022. Outcome pending category includes cases with incomplete data available for analysis and cases of people who remain in custody pending disenrollment or return. Data are valid as of February 7, 2022.

Source: OIS analysis of CBP data.

## Appendix A: Data Tables

Table A1.  
Initial Enrollments by Enrollment Cohort

	December Cohort	January Cohort
<b>Initial Enrollments by Sector and Citizenship</b>	<b>273</b>	<b>400</b>
El Paso Sector	273	131
Colombia	7	1
Costa Rica	0	1
Cuba	33	32
Dominican Republic	0	0
Ecuador	8	9
Nicaragua	165	79
Peru	0	3
Venezuela	60	6
San Diego Sector	0	142
Colombia	0	19
Costa Rica	0	0
Cuba	0	1
Dominican Republic	0	1
Ecuador	0	0
Nicaragua	0	87
Peru	0	5
Venezuela	0	29
Rio Grande Valley Sector	0	127
Colombia	0	0
Costa Rica	0	0
Cuba	0	0
Dominican Republic	0	0
Ecuador	0	0
Nicaragua	0	69
Peru	0	0
Venezuela	0	58
<b>Number of Fear Claims Received per Enrollee</b>	<b>238</b>	<b>358</b>
0 Fear claims per person	35	43
1 Fear claim per person	238	356
2 Fear claims per person	0	1
<b>Fear Claims Received by NRI Result and Attorney or Consultant Present</b>	<b>238</b>	<b>357</b>
Positive Fear Findings	28	53
Attorney or consultant present	4	1
No attorney or consultant present	24	53
Negative Fear Findings	186	260
Attorney or consultant present	7	7
No attorney or consultant present	179	253
Case Closures	24	44
Attorney or consultant present	0	1
No attorney or consultant present	24	43

See notes at end of table.

Table A1 (continued)

	December Cohort	January Cohort
<b>Fear Claims Received by Sector and NRI Result</b>	<b>238</b>	<b>357</b>
El Paso Sector	238	129
Positive Fear Findings	28	27
Negative Fear Findings	186	90
Case Closures	24	12
San Diego Sector	0	131
Positive Fear Findings	0	13
Negative Fear Findings	0	112
Case Closures	0	6
Rio Grande Valley Sector	0	97
Positive Fear Findings	0	13
Negative Fear Findings	0	58
Case Closures	0	26
<b>Vaccines Administered</b>	<b>174</b>	<b>208</b>
<b>MPP Outcomes by Fear Claim Results</b>	<b>273</b>	<b>400</b>
Returns to Mexico	207	247
No Fear Claim	32	13
Positive Fear Findings	4	2
Negative Fear Finding	170	233
Case Closures	1	0
Disenrollments	64	124
No Fear Claim	3	29
Positive Fear Finding	24	45
Negative Fear Finding	15	7
Case Closures	22	43
Pending	2	29
No Fear Claim	0	1
Positive Fear Finding	0	7
Negative Fear Finding	1	20
Case Closures	1	1
<b>MPP Outcomes by Sector</b>	<b>273</b>	<b>400</b>
El Paso Sector	273	131
Disenrollments	64	36
Returns	207	92
Pending	2	3
San Diego Sector	0	142
Disenrollments	0	21
Returns	0	118
Pending	0	3
Rio Grande Valley Sector	0	127
Disenrollments	0	67
Returns	0	37
Pending	0	23

Notes: December cohort includes individuals enrolled in MPP Dec. 6 - Dec. 31, 2021; January cohort includes individuals enrolled Jan. 1 - Jan. 31, 2022 based on data available as of February 7, 2022. NRI results include people with no interviews. Outcome pending category includes cases with incomplete outcome data and cases of people who remain in custody pending disenrollment or return.

Source: OIS analysis of CBP, USCIS, and CWMD data.

Table A2.  
Re-entries for EOIR Hearings by Enrollment Cohort

	December Cohort	January Cohort
<b>Re-Entries by Sector and Citizenship</b>	<b>148</b>	<b>37</b>
El Paso Sector	148	13
Colombia	2	0
Cuba	18	1
Ecuador	3	2
Nicaragua	93	10
Venezuela	32	0
San Diego Sector	0	24
Colombia	0	6
Cuba	0	1
Ecuador	0	1
Nicaragua	0	13
Venezuela	0	3
<b>Number of Fear Claims Received per Returnee</b>	<b>125</b>	<b>31</b>
0 Fear claims per person	27	6
1 Fear claim per person	117	31
2 Fear claims per person	4	0
<b>Fear Claims Received by NRI Result and Attorney or Consultant Present</b>	<b>125</b>	<b>31</b>
Positive Fear Findings	23	8
Attorney or consultant present	2	4
No attorney or consultant present	21	4
Negative Fear Findings	79	21
Attorney or consultant present	3	4
No attorney or consultant present	76	17
Case Closures	23	2
Attorney or consultant present	1	0
No attorney or consultant present	22	2
<b>Fear Claims Received by Sector and NRI Result</b>	<b>125</b>	<b>31</b>
El Paso Sector	125	10
Positive Fear Findings	23	1
Negative Fear Findings	79	8
Case Closures	23	1
San Diego Sector	0	21
Positive Fear Findings	0	7
Negative Fear Findings	0	13
Case Closures	0	1

See notes at end of table.

Table A2 (continued)

	December Cohort	January Cohort
<b>Vaccines Administered</b>	<b>103</b>	<b>34</b>
<b>MPP Outcomes by Fear Claim Results</b>	<b>152</b>	<b>37</b>
Returns to Mexico	98	29
No Fear Claim	23	6
Positive Fear Findings	0	1
Negative Fear Finding	75	21
Case Closures	0	1
Disenrollments	50	8
No Fear Claim	3	0
Positive Fear Finding	22	7
Negative Fear Finding	3	0
Case Closures	22	1
Pending	4	0
No Fear Claim	1	0
Positive Fear Finding	1	0
Negative Fear Finding	1	0
Case Closures	1	0
<b>MPP Outcomes by Sector</b>	<b>152</b>	<b>37</b>
El Paso Sector	152	13
Disenrollments	50	2
Returns	98	11
Pending	4	0
San Diego Sector	0	24
Disenrollments	0	6
Returns	0	18
Pending	0	0

Notes: December cohort includes individuals enrolled in MPP Dec. 6 - Dec. 31, 2021; January cohort includes individuals enrolled Jan. 1 - Jan. 31, 2022 based on data available as of February 7, 2022. People with multiple fear claims are counted multiple times. NRI results include people with no interviews. People with multiple re-entry outcomes (e.g., as a result of a rescheduled master calendar hearing) are reported multiple times. Outcome pending category includes cases with incomplete outcome data and cases of people who remain in custody pending disenrollment or return.

Source: OIS analysis of CBP, USCIS, and CWMD data.