



Department of Homeland Security and Department of Justice Announce Plan to Restart MPP Hearings

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The U.S. Department of Homeland Security (DHS) and the U.S. Department of Justice (DOJ) remain committed to resuming removal hearings for aliens subject to the Migrant Protection Protocols (MPP) as expeditiously as possible. To lend greater certainty in a fluid COVID-19 environment, DHS has maintained close contact with the Department of State (DOS) and the Government of Mexico (GOM) and worked with DOJ to identify public health criteria to determine when hearings may resume swiftly and safely.

The criteria below outline the factors that DHS and DOJ will use to determine when to resume MPP hearings. Once the criteria are met, the Departments will provide public notification at least fifteen calendar days prior to resumption of the hearings with location-specific details. In order to resume MPP hearings in a responsible manner that will minimize risk to public health and the spread of disease, DHS plans to adhere to recommended federal guidance and protocols, including in particular the Centers for Disease Control and Prevention's (CDC) social-distancing and sanitization standards. DHS is working to secure the equipment and resources necessary to support this safe resumption of MPP hearings. The use and application of these criteria are subject to continuing evaluation:

Criteria to Restart MPP Hearings

- When California, Arizona, and Texas progress to Stage 3 of their reopening plans.[1]
- When DOS[2] and CDC[3] lower their global health advisories to Level 2, and/or a comparable change in health advisories, regarding Mexico in particular.
- When GOM's "stoplight" system categorizes all Mexican border states (i.e., Tamaulipas, Nuevo Leon, Coahuila, Chihuahua, Sonora, and Baja California) as "yellow." [4]

Once the threshold criteria above are satisfied, DHS and DOJ will take the following steps to ensure that MPP hearings can safely resume:

Safeguards to Protect DHS Employees and Aliens in MPP

- DHS will develop detailed, location-specific plans to safely resume MPP hearings consistent with CDC guidelines. These plans at a minimum will address, but are not limited to, intake processes for aliens and visitors, transportation requirements, facility size, overnight hold capacity, and cleaning schedules.
- All agencies will apply CDC social-distancing guidelines, as appropriate, at each stage of the court hearing process and consistent with local operational realities. [5] Once a facility's capacity is reached, the remaining aliens will have their hearings rescheduled for a future date.
- For the entirety of the hearing process, all DHS and DOJ personnel and aliens will be required to wear face masks that are consistent with CDC guidance and subject to any applicable policies of either Department. This requirement will apply to the immigration hearing facilities (IHF) in Laredo and Brownsville. All visitors will also be required to wear face masks while they are in the facilities.[6]
- All DHS personnel participating in the processing of MPP aliens, aliens arriving to attend MPP hearings, and visitors entering the IHFs, will have their temperatures checked prior to entering any DHS facility. Aliens displaying a fever of over 100.4 degrees Fahrenheit will have their court hearing rescheduled. At the IHFs in Laredo and Brownsville, any visitor displaying a fever of over 100.4 degrees Fahrenheit will not be able to enter the facility.[7] DHS personnel displaying a fever of over 100.4 degrees Fahrenheit will be managed according to agency-specific protocols.
- All congregate settings will be cleaned and disinfected regularly according to CDC guidelines for similar facilities.[8]
- Every reasonable effort will be made to avoid holding migrants overnight in DHS custody.

DHS continues to work closely with DOJ, DOS, and GOM to explore every available option to resume removal hearings for aliens subject to MPP as soon as possible, with as much flexibility as existing statutes, regulations, and guidelines allow.

Individuals should continue to check on case status in English and Spanish by calling the Automated Case Information Hotline at 1-800-898-7180 or visiting the EOIR Automated Case Information portal.

[1] California: <https://covid19.ca.gov/roadmap/#top>; Arizona: <https://azgovernor.gov/governor/reopening-guidance>;

Texas: https://gov.texas.gov/uploads/files/press/EO-GA-26_expanded_opening_COVID-19.pdf

[2] <https://travel.state.gov/content/travel/en/traveladvisories/ea/travel-advisory-alert-global-level-4-health-advisory-issue.html>

[3] <https://wwwnc.cdc.gov/travel/notices/warning/coronavirus-global>

[4] <https://coronavirus.gob.mx/semaforo/>

[5] <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-distancing.html>

[6] For DOJ/ Executive Office for Immigration Review (EOIR) requirements, see <https://www.justice.gov/eoir/page/file/1284706/download>

[7] DOJ will have its own requirements for EOIR courthouses.

[8] <https://www.cdc.gov/coronavirus/2019-ncov/community/cleaning-disinfecting-decision-tool.html>

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