



DHS Secretary: Migrants Must Await Immigration Court Decision in Mexico

Effective immediately, individuals entering the United States from Mexico — either illegally or without proper documentation — may be returned to Mexico for the duration of their immigration proceedings, Department of Homeland Security Secretary Kirstjen Nielsen announced last week.

“Today we are announcing historic measures to bring the illegal immigration crisis under control,” Nielsen (shown) was quoted saying in a December 20 [DHS press release](#). “We will confront this crisis head on, uphold the rule of law, and strengthen our humanitarian commitments. Aliens trying to game the system to get into our country illegally will no longer be able to disappear into the United States, where many skip their court dates. Instead, they will wait for an immigration court decision while they are in Mexico. ‘Catch and release’ will be replaced with ‘catch and return.’ ”



Nielsen said that the Mexican government has been notified of the U.S policy change and that Mexico is putting procedures into place to accommodate the migrants waiting in their country. She continued:

We have notified the Mexican government of our intended actions. In response, Mexico has made an independent determination that they will commit to implement essential measures on their side of the border. We expect affected migrants will receive humanitarian visas to stay on Mexican soil, the ability to apply for work, and other protections while they await a U.S. legal determination.

The above statement suggests that a December 20 report in the *San Diego Tribune* that “migrants and Mexican federal immigration officials in Tijuana were equally surprised” by the change in U.S. policy was a reflection of a communications failure within the Mexican government, rather than a case of the United States callously blindsiding the migrants — as the *Tribune’s* article implied.

The DHS statement noted that the United States has an asylum backlog of more than 786,000 pending cases. Last year the number of asylum claims soared 67 percent compared to the previous year. Most of these claims are not meritorious and nine out of ten asylum claims are not granted by a federal immigration judge. However, by the time a judge has ordered them removed from the United States, many have vanished, which is why the new policy calls for them to stay on the other side of the border until their claims have been reviewed.

Photo of Kirstjen Nielsen: DHS

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