

U.S. Supreme Court reinstates Trump-era Remain in Mexico policy

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Since taking office in January, Biden has tried to reverse many of Trump's hardline immigration policies and rolled back the MPP program [File: Johan Ordonez/AFP]

Washington, August 25 (RHC)-- The Supreme Court of the United States has denied President Joe Biden's bid to rescind an immigration policy implemented by his predecessor that forced thousands of

asylum seekers to wait in Mexico while seeking asylum in the United States.

With three liberal justices dissenting, the court on Tuesday rejected the Biden administration's effort to block a Texas-based judge's ruling requiring the government to revive former President Donald Trump's "remain in Mexico" policy, formally known as the Migrant Protection Protocols (MPP) program.

The Supreme Court's 6-3 conservative majority includes three justices appointed by Trump. The brief order by the justices means that US District Judge Matthew Kacsmaryk's ruling now goes into effect. The Texas judge was a Trump appointee.

The Department of Homeland Security said in a statement it regretted the Supreme Court's decision and would continue to "vigorously challenge" the district court ruling.

As the appeals process continues, it said the agency will comply with the order "in good faith" and has begun discussions with Mexico. The court's decision referenced its 2020 ruling that thwarted Trump's bid to end a program introduced by Democratic former President Barack Obama that protects from deportation hundreds of thousands of immigrants – often called "Dreamers" – who entered the United States illegally as children.

Both cases concern whether the government followed the correct legal process in unwinding a previous administration's policy.

Biden, who has sought since taking office in January to reverse many of Trump's hardline immigration policies, rolled back the MPP programme. Republican-led Texas and Missouri challenged the Democratic president's move.

Biden's administration turned to the Supreme Court after Kacsmaryk ruled that the Trump policy would have to be reinstated and the New Orleans-based 5th U.S. Circuit Court of Appeals on August 19 denied the government's request for a delay.

The 5th Circuit's decision said the Biden administration must implement the MPP program in "good faith," which leaves the government some discretion in how to move forward. The 5th Circuit panel included two Trump appointees, Andrew Oldham and Cory Wilson, along with Jennifer Walker Elrod, nominated to the appeals court by Republican President George W Bush.

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