



Written by [R. Cort Kirkwood](#) on April 5, 2022

## Three States Sue Biden to Stop His Lifting Title 42 and Looming Illegal-Alien Invasion

Joe Biden's decision [to end](#) the application of Title 42 on May 23 as part of his plan to flood the country with illegal aliens and bring in more Democrat voters might not pan out.

Arizona, Missouri, and Louisiana have filed suit to stop the administration because, they argue, the move violates the [Administrative Procedure Act](#), which governs how the executive branch can make and execute public policy. As well, the lawsuit details not only the harm the states will suffer but also Biden's refusal to enforce immigration law.



AP Images

[Title 42](#) is a federal law that permits the government to deport illegals for health reasons. Trump applied the law to illegals in 2020 because of the China Virus.

Even Biden's immigration authorities, oddly enough, predict a massive influx of illegals once he stops deporting them under Title 42.

Our office just filed another lawsuit against the Biden Administration – this time over the recent decision to rescind Title 42 during the historic border crisis at our southern border.  
<https://t.co/2KE9Y2Push>

— Mark Brnovich (@GeneralBrnovich) [April 4, 2022](#)

### Even Democrats Worried

Calling the decision “an imminent, man-made, self-inflicted calamity” that will develop “into an unmitigated chaos and catastrophe,” the [lawsuit argues](#) that even Biden's own Democrat backers don't support the idea.

“This is the wrong decision.... It's clear that this administration's lack of a plan to deal with this crisis will further strain our border communities,” said a Democrat senator the lawsuit leaves unidentified.

Moderate Democrat Joe Manchin of West Virginia agreed. He called the decision “frightening”:

We are nowhere near prepared to deal with that influx. Until we have comprehensive, bipartisan immigration reform that commits to securing our borders and providing a pathway to citizenship for qualified immigrants, Title 42 must stay in place.

MANCHIN: “We are already facing an unprecedented increase in migrants this year, and that will only get worse if the [Biden] administration ends the Title 42 policy.”

<https://t.co/7AHhePuhgC>



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— Newsmax (@newsmax) [April 2, 2022](#)

Others agree that disaster is ahead, as even, again, Biden's own people confess. As [The New American reported](#) last week, during a phone call with reporters, a Biden official predicted that border agents would handle 18,000 illegals per day if Title 42 ends.

No wonder the three states are terrified. They detailed what its residents already suffer:

Arizona bears substantial costs of incarcerating unauthorized aliens, which amounts to tens of millions of dollars each year, as reflected by Arizona's State Criminal Assistance Program (SCAAP) requests, the great majority of which are not reimbursed by the federal government.

Arizona has approximately 275,000 to 365,000 immigrants living in the State that are not lawfully in the United States; more than 50% of them do not have health insurance....

Louisiana has approximately 70,000 to 78,000 aliens living in the State that are not lawfully in the United States; more than 70% of them do not have health insurance....

Based on recent statistics, approximately 56 out of every 1,000 unlawful aliens who enter the United States end up residing in Missouri.

Biden's ending Title 42 will add to those problems, they rightly argue.

### **Violates APA**

But those practical matters aren't the lawsuit's grounds. Rather, the states argue, lifting Title 42 trespasses the fundamental rules that govern how the president can make public policy.

Count 1 of the [lawsuit argues](#) that the Centers for Disease Control, which recommended lifting the policy, did not provide proper notice or the appropriate time for public comment. Count 2 says the move is "arbitrary and capricious."

While legally useful, calling the decision "arbitrary and capricious" suggests that Biden didn't carefully consider what lifting the policy would mean and what its results would be. That can't be true, given that his own officials know that a major tidal wave of impoverished "migrants" will immediately storm the border.

Biden surely knew that. He would not have ended the policy if he were alarmed that border agents would encounter as many as 18,000 illegals per day.

As [The New American has repeatedly](#) observed, the [disaster at](#) the border — from Biden's [refusal to](#) enforce the law, [to busing](#) and [flying illegals](#) into unsuspecting towns, [to permitting](#) 12,000 Haitians to wander into the country — [is no accident](#). It is not the result of "incompetence." It is not a "failure."

Lifting Title 42 merely continues what Biden began his first day in office: purposely flooding the nation with illegals, knowing they will become citizens and vote for Democrats.



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