



SCOTUS Lets “Remain in Mexico” Policy Stand for Now

The U.S. Supreme Court says President Trump’s Migrant Protection Protocols, known as the Remain in Mexico policy, will stay in effect as the leftist lawfare campaign against the protocols winds through the federal courts.

Last month, the U.S. Court of Appeals for Ninth Circuit blocked the policy pursuant to claims made in October.

End result: For now, apprehended illegals cannot apply for asylum, and then be released as they await rulings on asylum claims, which provides the opportunity to disappear and make removal all but impossible.



The Ruling

[The high court overturned](#) the Ninth Circuit’s injunction with a ruling that did not explain why:

The application for stay ... is granted, and the district court’s April 8, 2019 order granting a preliminary injunction is stayed pending the timely filing and disposition of a petition for a writ of certiorari. Should the petition for a writ of certiorari be denied, this stay shall terminate automatically. In the event the petition for a writ of certiorari is granted, the stay shall terminate upon the sending down of the judgment of this Court.

Justice [Sonia] Sotomayor would deny the application.

In April, the U.S. District Court for the Northern District of California [blocked the Migrant Protection Protocols](#), which require illegal aliens who apply for asylum [to wait](#) for a decision in Mexico. The Ninth Circuit granted a stay pending an appeal of the ruling, and last month ruled in favor of illegal-alien anarchy. MPP, it ruled, had to go.

“There is a significant likelihood that the individual plaintiffs will suffer irreparable harm if the MPP is not enjoined,” the [court ruled](#). “Uncontested evidence in the record establishes that non-Mexicans returned to Mexico under the MPP risk substantial harm, even death, while they await adjudication of their applications for asylum.”

As well, the court ruled that the “organizational plaintiffs,” meaning the people who represent the “migrants,” can’t do their jobs if the “migrants” remain in Mexico.

In its successful plea to the high court, the [Trump administration explained](#) what happened after that ruling: “Predictably, within hours, [Department of Homeland Security’s] orderly processing of migrant arrivals at the border faced chaos. As described in the attached declarations, large groups of migrants in Mexico began arriving at multiple ports of entry along the Southwest border seeking immediate entry into the United States.”

Absent a stay, the injunction is virtually guaranteed to impose irreparable harm by prompting a



Written by [R. Cort Kirkwood](#) on March 11, 2020

rush on the border and potentially requiring the government to allow into the United States and detain thousands of aliens who lack any entitlement to enter this country, or else to release them into the interior where many will simply disappear. There is no need to speculate about the consequences; immediately following the Ninth Circuit's February 28 decision, hundreds of migrants presented themselves at the border for admission.

The plaintiffs attorneys, including the ACLU, of course, [argued that the policy](#) "has put asylum seekers directly in harm's way" because those "returned to Mexico are sent to some of the most violent areas in the world."

That raises the obvious question of why they tramped across Mexico to begin with, but in any event, the plaintiffs claimed that even "the U.S. State Department itself has recognized the "victimization of migrants" in Mexico "by criminal groups and in some cases by police, immigration officers, and customs officials," including "kidnappings, extortion, and sexual violence."

In the months since MPP has been in effect, reports of murder, rape, torture, kidnapping, and other violent assaults against returned asylum seekers have climbed....

Asylum seekers face extreme harm from Mexican cartels, corrupt government officials, and the same Central American gangs that many fled their home countries to escape; they also face anti-migrant hostility that has been fueled by the increased numbers of people being returned.

None of which would be happening, again, had the "asylum seekers" stayed home in Central America.

MPP

[The administration announced](#) MPP in January last year during the illegal-alien tsunami that swamped the border toward the end of fiscal 2018. The Border Patrol apprehended more than 500,000 that year, and the deluge worsened considerably the next. [It peaked](#) at 144,116 in May. The total for fiscal 2019 was nearly one million.

When the administration adopted the policy, the Border Patrol was apprehending 2,000 border jumpers a day, an unmanageable flood that had to be dammed.

Since MPP, and renovation of and [completion of new sections or border wall](#), apprehensions are down about 75 percent since the wave of illegals crested at nearly 145,000.

Almost all asylum claims [are bogus](#).

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