

SCOTUS Makes Key Decision Allowing Deportation Protection Terminations

The Supreme Court has allowed the Department of Homeland Security to remove deportation protections for those from Haiti and Syria.

“Citing statements made by President Trump and former Secretary of Homeland Security Kristi Noem, one set of respondents advances an equal protection claim that Haiti’s TPS [Temporary Protected Status] designation was terminated because of the racial makeup of that country’s population,” Justice Samuel Alito wrote in the 6-3 decision.



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“But, ironically, one of respondents’ other arguments undermines the equal protection claim by offering a strong, race-neutral explanation for Haiti’s termination: namely, that the current administration, which has terminated every TPS designation that has come up for renewal, simply opposes the TPS program, at least as it has been implemented in the past.”

Justice Elena Kagan, joined by Justices Sonia Sotomayor and Ketanji Brown Jackson, issued a dissenting opinion. “First, the majority asserts that the Secretary’s compliance with the TPS statute is in every respect unreviewable by the courts. But in fact the statute allows judicial review of whether the Secretary adhered to the procedures it mandates—which is what the plaintiffs dispute here,” she wrote. “Second, the majority claims to see no evidence that race played any role in the Haiti decision. But the evidence is there, plain to see, in the President’s statements, which the majority (and for that

matter, his own lawyers) cannot even bear to repeat.”

The Trump administration asked the Supreme Court to allow it to cancel deportation protections for more than 350,000 Haitian migrants in March, accusing lower court judges of wrongly blocking the president’s immigration agenda.

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