

The Supreme Court - February 18, 2022

by Ian Blodger

Today, the Supreme Court of the United States granted certiorari in the following case:

Biden v. Texas, No. 21-954: This case concerns the Migrant Protection Protocols (MPP)—also known as the “Remain in Mexico” policy—a former policy of the Department of Homeland Security (DHS) under which certain noncitizens arriving at the southwest border were returned to Mexico during their immigration proceedings. On June 1, 2021, the Secretary of Homeland Security terminated MPP. The district court vacated the Secretary’s termination and entered a permanent injunction requiring DHS to reinstate MPP. The Secretary issued a new decision terminating MPP, but the court of appeals affirmed the district court’s injunction. The case presents the following questions: (1) whether 8 U.S.C. §1225 requires DHS to continue implementing MPP, and (2) whether the court of appeals erred by concluding that the Secretary’s new decision terminating MPP had no legal effect.

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