

NATIONAL IMMIGRANT JUSTICE CENTER

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U.S. SUPREME COURT LIMITS JUDICIAL REVIEW OVER EXPEDITED REMOVAL

CHICAGO (June 25, 2020) – A five-justice majority of the U.S. Supreme Court today [limited](#) habeas corpus review over immigration matters. The majority found that the “great writ” does not protect noncitizens who were apprehended immediately upon entering the United States. The majority went on to find that the due process clause is inapplicable to asylum seekers like Mr. Thuraissigiam, a Tamil from Sri Lanka.

“Today’s Supreme Court decision paves the way for more mistreatment of asylum seekers, for more illegal and arbitrary denials of protection, and tells the federal courts to stand by and watch it happen,” said NIJC Director of Appellate Litigation Chuck Roth. “Today, we need the courts more than ever.”

The National Immigrant Justice Center was among the groups of legal service providers who filed an [amicus brief](#) in the case, explaining the need for judicial review.

The Trump administration recently expanded the scope of “expedited removal” laws away from the borders, allowing immigration agents to pick up any person anywhere in the country and summarily deport them unless the person can convince the immigration agent that they are a citizen, or that they have some lawful status in the United States. An injunction against that expansion was recently [overturned](#) on technical grounds by the D.C. Circuit, setting the stage for draconian implementation nationwide.

Justices Breyer and Ginsburg would have ruled against the noncitizen on narrow grounds; Justices Sotomayor and Kagan dissented from the decision. Justice Thomas concurred, and would have gone further than the majority in eliminating judicial review of immigration matters.