

California Judge Blocks Trump's Policy to Make Asylum Seekers Wait in Mexico While Their Cases Proceed



Judge Richard Seeborg of the United States District Court for the Northern District of California blocked President Trump's 'Migrant Protection Protocols' MPP policy that would have forced asylum seekers from Central America to wait in Mexico while their cases proceed. MPP was based on a decades-old law that says migrants who enter from a contiguous country can be returned there to wait out their deportation case, although the provision had never been used in the way the administration has applied it. The case will go to the leftist 9th Circuit Court of Appeals, which could take a year and a half to litigate.

A U.S. judge on Monday halted the Trump administration's policy of sending some asylum seekers back across the southern border to wait out their cases in Mexico, stopping a program the government planned to expand to stem a recent flood of migrants.

The ruling is slated to take effect on Friday, according to the

order by
U.S. District Judge Richard Seeborg in San Francisco. The
preliminary
injunction will apply nationwide.

In a late night tweet, U.S.
President Donald Trump said, "A 9th Circuit Judge just ruled
that Mexico
is too dangerous for migrants. So unfair to the U.S. OUT OF
CONTROL!"

The
program was launched in January and was one of many policies
aimed at
slowing rising numbers of immigrants arriving at the border,
many of
them families from Central America, that swelled last month to
the
highest in a decade.

Because of limits on how long children are
legally allowed to be held in detention, many of the families
are
released to await U.S. immigration court hearings, a process
that can
take years because of ballooning backlogs.

The Trump
administration said last week it planned to expand the program
of
sending some migrants to wait out their U.S. court dates in
Mexican
border cities under a policy known as Migrant Protection
Protocols, or
MPP.

The
government argued MPP was needed because so many asylum

seekers spend
years living in the United States and never appear for their
court
hearings before their claim is denied and an immigration judge
orders
them to be deported.

Seeborg said the Immigration and
Nationalization Act, however, does not authorize the
government to
return asylum seekers to Mexico the way the government has
applied it.

He also said the policy lacks safeguards to protect refugees
from threats to their life or freedom.

Justice
Department data show that while the percentage of immigration
court
cases completed "in absentia" – when the foreign citizen fails
to show –
has risen in recent years, the majority of immigrants show up
for their
hearings.

A U.S. Department of Justice spokesman declined
to comment on Monday's ruling. The White House did not
immediately
respond to a request for comment.

The Mexican foreign ministry considers the ruling "an internal
decision" of the United States, a spokesman said.

Seeborg
said the government shall permit the 11 plaintiffs in the case
to enter
the United States beginning on Sunday. He said the government
still
retained the right to detain the asylum-seekers pending the

outcome of
their case.

The ruling can be appealed, and the government could seek a stay of the injunction until the appeals process runs its course.

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