

Federal Appeals Court Rules Trump Proclamation Eliminating Asylum is Unlawful

April 24, 2026 5:00 pm

WASHINGTON — A federal appeals court today ruled that President Trump's Day 1 proclamation aimed at completely shutting down asylum at the border is unlawful.

The D.C. Circuit Court of Appeals rejected the Trump administration's claim that the "212(f)" proclamation allowed the president to summarily deport asylum seekers who cross the border without allowing them to seek protection as required by Congress. The proclamation had falsely cited an "invasion" as the pretext for denying asylum protections for people who are at risk of persecution.

The appeals court held that the government cannot subvert the laws Congress passed with extra-statutory procedures to block people from seeking asylum, which puts tens of thousands of lives at risk.

The American Civil Liberties Union, National Immigrant Justice Center, Center for Gender & Refugee Studies, Texas Civil Rights Project, ACLU of the District of Columbia, and ACLU of Texas brought the federal lawsuit on behalf of Refugee and Immigrant Center for Education and Legal Services, Las Americas Immigrant Advocacy Center, and the Florence Immigrant & Refugee Rights Project, which provide legal services to asylum seekers, and a nationwide class of people barred from seeking protection in the United States under this proclamation.

The following is reaction to today's ruling:

"This decision puts an end to the inhumane Trump policy of sending people, including families with little children, back to horrific danger without even a hearing," said **ACLU attorney Lee Gelernt, who argued the appeal.** "The court made clear that the president does not have the unilateral power to wipe away all of the asylum laws enacted by Congress."

"The circuit court reaffirmed our conviction that a president cannot unilaterally eliminate the right to seek asylum by executive order. We hope that the U.S. government remembers its obligation to consider applications for refugee protections and recommits to upholding the basic rights of people fleeing persecution," said **Keren Zwick, director of litigation at the National Immigrant Justice Center.**

"Today marks a victory for the right of people to move freely across borders. It's a moment to celebrate the connections we have with others, regardless of artificial boundaries," said **Daniel Hatoum, senior supervising attorney at the Texas Civil Rights Project.**

"Today's D.C. Circuit ruling affirms that capricious actions by the president cannot supplant the rule of law in the United States. The right to seek asylum is firmly grounded in U.S. law and binding international obligations. This decision is a meaningful victory for our clients, who have been denied access to protection under policies deliberately designed to shut the door on people fleeing violence and persecution — policies that are inconsistent with those legal standards and basic due process. As organizational plaintiffs in this case, we fought this because in border communities like ours, we see the human consequences every day. Individuals and families arriving here are seeking lawful protection and the opportunity to live and work safely," said **Nicolas Palazzo, director of advocacy and legal services of Las Americas Immigrant Advocacy Center.**

"Today's decision is a win for every person who seeks safety and

protection at our borders," said **Laura St. John, the legal director for the Florence Immigrant & Refugee Rights Project**. "The right to seek asylum in the U.S. is protected by law, and no unilateral executive action can nullify the laws and system Congress has created. We are relieved to see the D.C. Circuit Court of Appeals affirm these principles. We call on the U.S. government to immediately move to uphold its obligation to people seeking protection and restart asylum processing at once."

"Since January of last year, the government has used the proclamation to implement a near-total shutdown of asylum processing, slamming the door on vulnerable families, children, and adults seeking refuge," said **Melissa Crow, director of litigation at the Center for Gender & Refugee Studies (CGRS)**. "As the court rightly concluded, U.S. law is clear: People seeking safety have a legal right to apply for asylum. The government cannot wield racist, baseless claims of an 'invasion' to override Congress and deprive them of that right."

"The D.C. Circuit's decision today confirms what we have long known to be true: U.S. immigration policy, as codified by law, does not grant the president unchecked, autocratic power to override Congress," said **Faisal Al-Juburi, co-chief executive officer at RAICES**. "The rule of law is fundamental to our nation, and an independent judiciary remains essential to upholding this principle."

"This ruling confirms that the president cannot invent false pretenses to eliminate life-or-death rights for refugees seeking asylum," said **Arthur Spitzer, senior counsel at the ACLU of the District of Columbia**.

"Thankfully, the courts still function in a fact-based world and rejected the president's false claims of invasion."

The ruling is [here](#).

Case background is [here](#).

Stay informed

Sign up to be the first to hear about how to take action.

By completing this form, I agree to receive occasional emails per the terms of the ACLU's [privacy statement](#).

Learn More About the Issues in This Press Release