

Supreme Court rules asylum seekers may be turned around, siding with Trump

The Supreme Court on Thursday [ruled 6-3](#) along ideological lines that the government may legally turn back asylum seekers who are attempting to reach a port of entry before they hit U.S. soil, greenlighting a now-rescinded immigration policy that the Trump administration wants the right to potentially revive.

The policy, called “metering,” [began under](#) former President Obama and ended several years ago.

It enables border officials to [turn back migrants](#) before they can physically cross the border from Mexico into the U.S., preventing them from making an asylum claim.

Under federal law, a noncitizen who “arrives in” the U.S. is entitled to apply for asylum. But migrants who are turned back under metering technically never leave the Mexican side of the border, so the government argues they are ineligible to apply for legal protection in the U.S.

“In ordinary speech, no one would say that a person ‘arrives in’ a place — for example, a house, a city, or a country — before the person enters that place,” Justice Samuel Alito wrote for himself and the five other conservative justices.

“An alien who is standing in Mexico does not ‘arriv[e] in the United States’ by attempting, and failing, to set foot in this country. An alien ‘arrives in the United States’ only when he crosses the border,” he added later.

The court’s three liberal justices dissented. Justice Sonia Sotomayor read

her dissent aloud from the bench, which the justices reserve for when they want to express their strong disagreements in a case.

She said under the majority's interpretation, the M.S. St. Louis, a boat that carried many Jewish refugees fleeing the Nazi regime, would again be turned away.

"The Court's illogical interpretation is driven almost entirely by a fixation on a single word: 'in,'" Sotomayor wrote. "Words, however, must be read in context and with attention to how they fit into the statute as a whole."

Sotomayor said the law requires border agents to process all migrants that arrive at a port of entry.

"Since 1917, Congress has required immigration officers to inspect noncitizens who arrive at ports of entry to determine whether they may enter the United States," she wrote.

"This system is designed to ensure that the Government processes each person seeking to come into the United States to determine who should be let in, who should be turned away, and who should be allowed to apply for asylum."

She chastised her colleagues for allowing the government to "circumvent all these mandatory procedures by having U.S. immigration officers stand at the border and physically block noncitizens from setting a foot onto U.S. soil."

The suit was originally brought in 2017 by immigrant rights group Al Otro Lado and 13 asylum seekers after the Obama administration began metering the year prior in response to overcrowding at ports of entry, particularly in the San Diego area.

Justice Ketanji Brown Jackson, in her own five-page dissenting opinion, argued the court never should have taken up the case, as metering is no

longer being employed and the Trump administration has “no concrete plans to reinstate” the policy, chiding the majority for a “rush to greenlight this retired practice.”

Meanwhile, Sotomayor said it’s become clear with time that metering “had little to do with capacity issues,” noting a whistleblower report alleging the policy was used as an excuse for turning away migrants who would otherwise make an asylum claim.

She blamed metering for creating the “dire humanitarian conditions at the border” in which migrants from across the globe were left vulnerable as they camped at the border in hopes of being processed.

Sotomayor disputed the majority’s idea of what it means to arrive “in” the United States.

“It is natural to say that asylum seekers are arriving, i.e., reaching their destination, when they come to the threshold of a port of entry because that is where they can present themselves to an immigration official and apply for asylum,” she wrote.

“In this context, it does not make sense to say an asylum seeker’s arrival depends on whether she has taken a step across the border or her foot has not yet landed, or whether her hand is outstretched across the threshold or is still by her side; she is arriving in the United States for purposes of seeking admission.”

Updated at 10:52 a.m. EDT