

Supreme Court clears way for Trump administration to revive restrictive immigration policy

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A group of migrants wait to be processed between two border walls separating Mexico and the United States after crossing illegally before dawn on Jan. 21, 2025, in San Diego. Gregory Bull / AP

Photo/Gregory Bull

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WASHINGTON — The Supreme Court [cleared the way](#) Thursday for the Trump administration to potentially revive an immigration policy once used to turn back migrants seeking asylum at the U.S.-Mexico border.

[The justices](#), in a 6-3 decision, overturned a lower court order blocking the practice that limited the number of people who could apply for asylum each day, first under the Obama administration and then expanded during President [Donald Trump](#)'s first term.

Advocates said the tactic created a humanitarian crisis as thousands of people settled in unsafe [makeshift shelters](#) to await their turn. The Trump administration said it was necessary to deal with an increase of asylum seekers at the border.

[The policy](#) is not in place now, though authorities have imposed other restrictions on asylum seekers. The Department of Homeland Security did not say if they plan to revive it, but applauded the ruling. "This decision opens up an important tool to continue securing our southern border," said James Percival, the agency's general counsel.

The administration argued that metering is a critical tool that's been used by presidents of both parties and should stay available. Federal attorneys say people turned away at the border could come back later, though lines were thousands of people long when the policy was in place before.

The case is one of several immigration suits the court is considering this term, including Trump's push to end restrict birthright citizenship. The high court also [allowed his administration](#) to end deportation for migrants fleeing instability and armed conflict on Thursday.

Under federal law, migrants who arrive in the U.S. must be able to apply for asylum and be screened for fear of persecution in their home countries.

The Justice Department argued that people stopped by authorities haven't arrived in the country, so immigration agents don't have to let them apply.

The court's conservative majority agreed. "A guest does not arrive in a house when he knocks on the front door," Justice Samuel Alito wrote.

But attorneys for people seeking asylum say the law has long meant anyone arriving at a port of entry should be screened, and blocking arrivals disregards the nation's ideals.

Justice Sonia Sotomayor dissented from the bench, saying that the majority's opinion "regrettably and tragically extinguishes the light of the torch of the Statue of Liberty."

In an unusual exchange, Alito voiced a response after she finished speaking. He expressed surprise that she had read her dissent out loud and defended his opinion by pointing out that the policy had been used during two presidential administrations. "I won't add anything more to that," Alito said.

Metering was first used under President Barack Obama when large numbers of Haitians appeared at the main crossing to San Diego from Tijuana, Mexico. It was expanded to all border crossings from Mexico during Trump's first term in the White House.

It ended in 2020 when the government introduced greater restrictions during the coronavirus pandemic, and President [Joe Biden](#) formally rescinded it in 2021.

The same year, a California-based federal judge found that metering violated the asylum seekers' rights and the law requiring screening. A divided appeals court panel affirmed the ruling but nearly half of judges on the full San Francisco-based court voted to rehear it, a strong signal

that might have caught the attention of the Supreme Court.

Attorneys with the group Democracy Forward first brought the case, and condemned Thursday's ruling. "We are disappointed in the Court's decision and call on all Americans to demand that our government protect the families the Court today decided to keep in harm's way," said President and CEO Skye Perryman.

They represented the group Al Otro Lado, whose executive director said the decision would mean a "hardening of borders to keep out the most vulnerable," that is "sure to result in many more lives lost."

U.S. law allows people seeking refuge to apply for asylum once they are on American soil, regardless of whether they came legally. To qualify for asylum, they must show a fear of persecution in their homeland for specific reasons, like race, religion, nationality, membership in a particular social group or political opinion.

People who are eventually granted asylum can't be deported. They can legally work, bring in immediate family, apply for legal residency and seek citizenship.