### Asylum Law: Major Changes and Developments Two Years into the Biden Administration

Zoe Bowman, Las Americas Immigrant Advocacy Center Luis Rios, Probar Robert Painter, American Gateways

## Migrant Protection Protocols (MPP) (2018-2020)

**2018:** DHS announces the Migrant Protection Protocols.

**2019:** Implementation of MPP: Policy guidance detailing the enforcement of Section 235(b) (2)(C) of INA.

**March 2020:** MPP courts shut down due to Covid. Hearings suspended. DHS and EOIR officially announce the program will be suspended indefinitely in July 2020.

**February 2021:** DHS announces the beginning of the process to unwind MPP. Processing into the US persons in Mexico with active cases.

**June 2021:** Secretary Mayorkas issues a memorandum terminating MPP. DHS expands the processing into the U.S. for those in Mexico with inabsentia orders or whose cases were terminated.

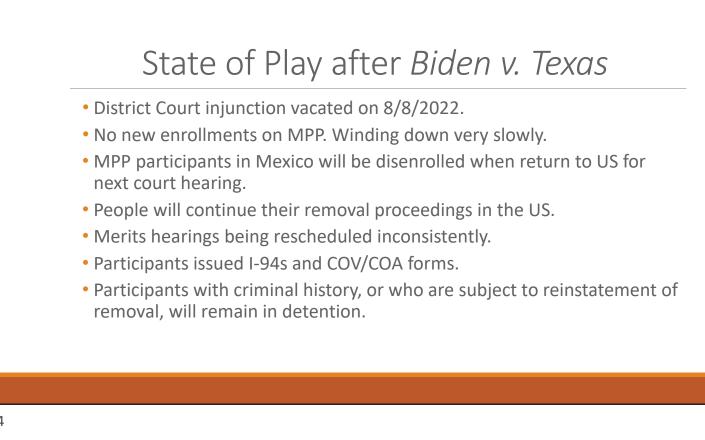
# Migrant Protection Protocols (MPP) (2018-2022)

**August 2021:** U.S. District Court for the Northern District of Texas rules in *Biden v. Texas* that June termination memorandum was not issued in compliance with the APA. Orders DHS to reimplement MPP "in good faith."

**December 2021:** DHS begins enrolling persons into MPP. Fifth Circuit denies vacating district court injunction ordering reinstatement of MPP. Biden administration requests the Supreme Court to review the decision of the Fifth Circuit Court of Appeals.

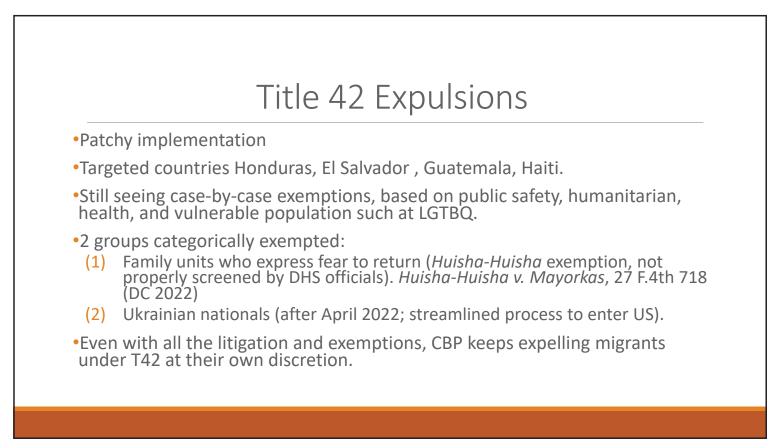
April 26, 2022: US Supreme Court hears oral arguments in Biden v. Texas.

**June 30, 2022:** SCOTUS holds that Biden Admiration can proceed with unwinding MPP.



#### Title 42 Expulsions

- •American Immigration Council reports 1.87 million expulsions under the program through April 2022, or roughly 60 percent of all CBP encounters between 4/2020 and 4/2022.
- •April 2022: CDC issues new public health determination and orders termination of previous Title 42 order. Implementation to go into effect 5/23/22.
- •May 2022: District Court for the Western District of Louisiana issues injunction suspending the implementation of the Title 42's termination. *Arizona v. CDC*. No. 6:22-cv-885:
- •*Texas vs. Rochelle,* No 6:22-cv-13: Parallel case pending in the Southern District of Texas) Emergency Motion to Postpone or Preliminarily Enjoin Termination Order (4/22/2022)
- •Innovation Law Lab's request to halt injunction in the Fifth Circuit denied on June 16th, 2022.



Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the <u>UT Law CLE eLibrary (utcle.org/elibrary)</u>

#### Title search: Asylum Law: Major Changes and Developments Two Years into the Biden Administration

Also available as part of the eCourse 2022 eConference on Immigration and Nationality Law

First appeared as part of the conference materials for the  $46^{\rm th}$  Annual Conference on Immigration and Nationality Law session "Asylum"