

Deportation Fight Reaches the Supreme Court

A court order has paused some removals to third countries while judges weigh what process migrants must receive first.



An unmarked airplane, courthouse silhouette and suitcase suggest a legal dispute over deportation flights.

The Trump administration asked the Supreme Court to step in after a federal **appeals** court halted deportations of some immigrants to countries that are not their own, according to reporting by PBS NewsHour and the Associated Press. The dispute centers on “third-country deportations,” which means the U.S. government sends a person to a country other than the one where that person is a citizen. The administration says the ruling disrupted a planned flight carrying 70 people to three unnamed countries. Immigrants’ lawyers say people must get a real chance to object before being sent somewhere they may face danger.

The case matters because it sits at the border between two government responsibilities that can collide. One is immigration enforcement: the power to remove people the government says are in the United States illegally, especially when officials cannot quickly return them to their home countries. The other is due process, the legal principle that the government must follow fair procedures before taking major action against a person. In this case, the fight is not only about whether deportations can happen, but how much process must happen first.

The immediate conflict began when plaintiffs, the people bringing the legal **challenge**, asked the 1st U.S. Circuit Court of Appeals for emergency relief.

A circuit court is a federal appeals court that reviews decisions from lower federal courts. Their lawyers said they had heard from multiple sources that a flight was scheduled from Alexandria, Louisiana, to Burundi, Rwanda and the Central African Republic. Within hours, the appeals court clarified an earlier ruling and said a previous order that had let flights continue during the lawsuit was no longer in effect.

The administration reacted sharply. It told the Supreme Court that the late-night ruling forced the cancellation of the flight and required a new round of **diplomatic** engagement with the countries involved. Diplomatic engagement means negotiations or coordination between governments, often over sensitive arrangements. Attorney General Todd Blanche argued that the order took away a lawful tool for controlling illegal immigration. The government also says people on the canceled flight had criminal convictions, and that thousands of others could be eligible for **removal** to third countries.

The challengers argue that speed is not the only value at stake. The article reports that most people deported to countries other than their own have been sent to Mexico, but that the administration has also used often-secret agreements to send thousands of people to more than two dozen countries, from Liberia to Guyana. Some people, the re-

port says, have ended up in countries they did not know before arriving. Some also may face serious safety risks or pressure to return to the countries they originally fled.

That is why the legal standard matters. A Boston-based judge had ruled that migrants must have a “meaningful chance” to argue that a third-country deportation would expose them to persecution or **torture**. Persecution means severe mistreatment because of something like political belief, religion, race, nationality or membership in a particular group; torture means intentionally inflicted severe pain or suffering, often by or with the involvement of authorities. The appeals court upheld that final ruling. The Supreme Court had earlier allowed flights to continue temporarily while the case moved forward, but the legal fight did not end there.

The lower-court ruling does not completely ban third-country deportations. Instead, it lengthens the process by requiring a chance to object before removal. That difference is important. To the administration, added steps can mean canceled flights, delayed removals and the possible need to revise agreements with foreign governments. To challengers, added steps may be the difference between a rushed transfer and a serious review of whether a person could be harmed after arrival.

The hard question is how a legal system should handle uncertainty. The government often has information about immigration status, criminal convictions and diplomatic assurances from receiving countries. Diplomatic assurances are promises from another government, such as promises that people will not be persecuted or tortured. But the people facing deportation may have information about personal risks that the government does not fully know, especially if they are being sent to a country where they have no ties. Courts must decide how much opportunity to be heard is enough before the government acts.

The Supreme Court is now being asked to pause the lower-court orders while the broader case continues. Its decision could affect not only one canceled flight, but the rules for a wider deportation policy. A ruling for the administration could allow faster use of third-country removals. A ruling for the challengers could require more time and **procedure** before those removals happen. Either way, the central trade-off remains the same: how to balance the government’s interest in carrying out immigration policy with the individual risk of being sent somewhere dangerous without enough warning or review.

Written from reporting by PBS NewsHour.

THINK IT THROUGH

1. When the government says speed is necessary to enforce immigration law, what limits should courts still require before a person is sent to a third country?

2. Should diplomatic assurances from another country be enough to allow deportation there, or should courts require more proof of safety?

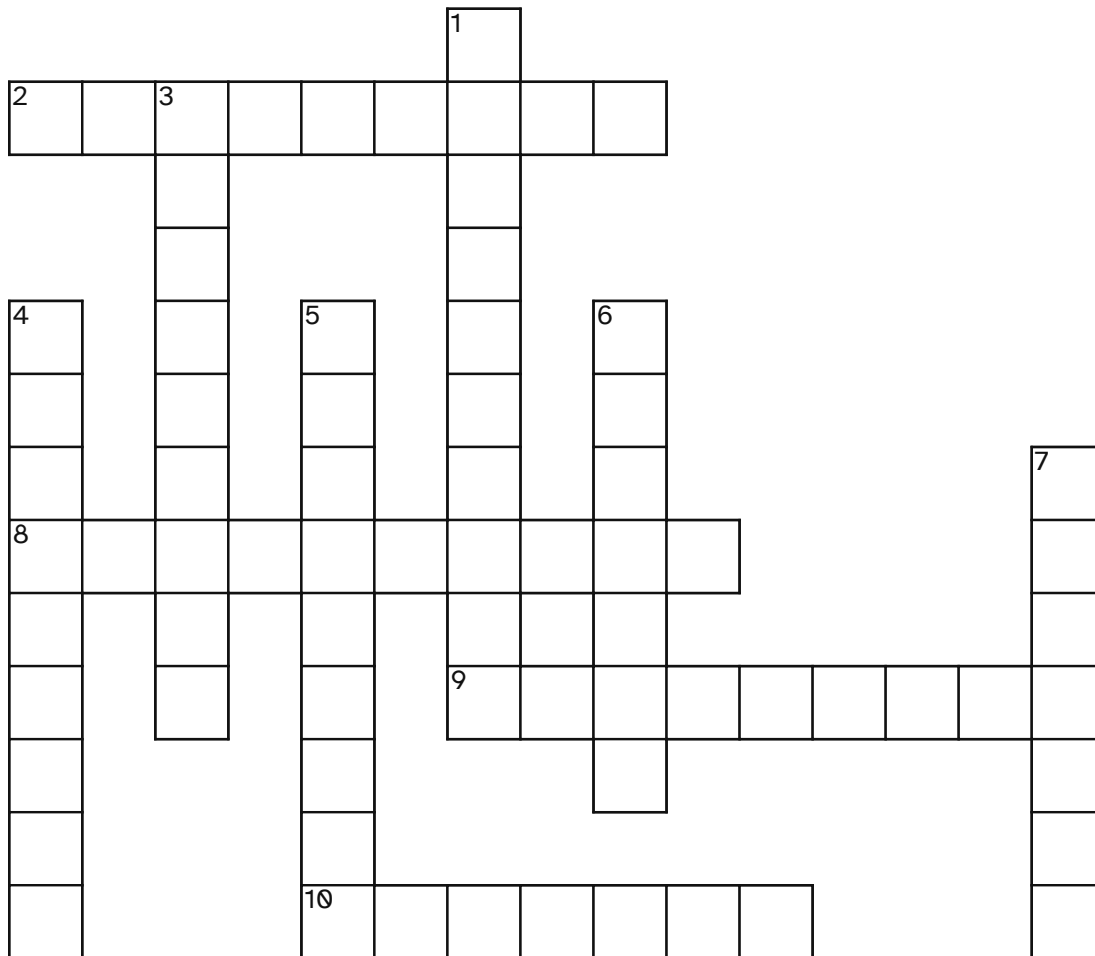
3. The ruling does not ban third-country deportations but slows them down; how should policymakers decide when delay is a fair safeguard and when it becomes an obstacle?

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APPEALS ASSURANCE CHALLENGE CONVICTION
DIPLOMATIC IMMIGRANT PLAINTIFF PROCEDURE REMOVAL
TORTURE

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ACROSS

- 2 Person or group that starts a case in court
- 8 Court finding that someone committed a crime
- 9 Legal effort questioning whether an action or decision is lawful
- 10 Intentional infliction of extreme pain or suffering, often by authorities

DOWN

- 1 Related to communication and negotiation between governments
- 3 Promise meant to give confidence that something will happen or be avoided
- 4 Required steps officials must follow in making a legal decision
- 5 Person who moves to live in a country other than their birthplace
- 6 Legal process requiring a noncitizen to leave the United States
- 7 Requests for higher-court review of lower-court decisions

Where this came from

This article was written for 3andB from the reporting below. It is not a reprint — the wording is ours and the facts are theirs.

PBS NewsHour

“Trump administration appeals to Supreme Court as 3rd-country deportations are thrown into question”

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<https://www.pbs.org/newshour/politics/trump-administration-appeals-to-supreme-court-as-3rd-country-deportations-are-thrown-into-question>

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The article and its discussion questions, a word search, and a crossword.

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