



Trump Scores Major Immigration Win in Supreme Court for Legal Detention

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The U.S. Supreme Court has delivered a ruling on immigration reform that comes as a major victory to President Donald Trump. In a 5 – 4 decision announced on Tuesday, the court ruled that federal immigration authorities like U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) can legally detain immigrants who are awaiting deportation after completing prison sentences for criminal offenses.

Before the ruling, the politically charged question hit public consciousness following the arrest of green card holder Mony Preap in a controversial case that hit the headlines across the country. Preap, who has resided legally in the U.S. since 1981 was convicted on two counts of marijuana possession, for which he served time in prison. Despite being released in 2006 with no further incident, he was taken into arrest seven years later in 2013.

RULING GIVES APPEARANCE OF KEY POLICY WIN

A recurring point in President Trump’s campaign was the spectre of the “bad hombre” who arrives in the U.S. with intentions of committing crime and becoming a social burden. His base is broadly hostile to illegal immigration or immigrants engaging in criminal activities, so this was a dispute with significant political connotations. Despite Preap’s arrest and the subsequent class action lawsuit happening under the Obama presidency, Trump inherited the fight and made it his own, taking Obama’s already tough immigration policy to a new level.

The administration has already signaled its intention to look into possibly revoking birthright citizenship for second-generation immigrants who commit certain offenses. While that might mean attempting to overhaul the 14th amendment which may be a bridge too far even for Trump, this ruling represents good, low-hanging fruit from a conservative point of view.

Recently confirmed supreme court Justice Brett Kavanaugh voted in favour of the decision | Photo: Gabriella Demczuk/Reuters

In reality, however, the ruling does not significantly change the immigration status quo because the vast majority of criminals in the U.S. are American citizens, born and raised in the country. Research by the Cato Institute shows that immigrants across board are less likely to exhibit criminality than native-born Americans.

According to 2009 statistics from the Bureau of Justice, only between six and nine percent of criminal detainees in the U.S. are foreign-born or non-U.S. citizens, which might suggest that the hoopla surrounding immigration and crime is, in fact, a red herring. Regardless, the ruling will no doubt win points with Trump’s political base as the country prepares for what promises to be an especially fraught 2020 election campaign.

IMPLICATIONS OF THE SUPREME COURT DECISION

What this ruling means is that the government is now legally empowered to arrest and detain immigrants convicted of criminality, without a statute of limitations on when the offense was committed. For example, green card holder Khalil Cumberbatch who moved to the U.S. as a child and received a conviction for robbery at 20, was arrested by ICE over five years after his release.

He spent months in detention before being inexplicably released. In the time between completing his prison sentence and his ICE arrest, Cumberbatch had completed two university degrees, got married, had two daughters and generally turned his life around, but this did not seem to count for anything.

Under the ruling, it is now the legal position of the U.S. that regardless of how much time has passed or what rehabilitation has taken place, any immigrant convicted of a criminal act is liable to face arrest minutes, hours, days, months, years or decades after the fact. As pointed out by Supreme court Justice Neil Gorsuch, there is now effectively no check on the government's power to intervene in an immigrant's life once they receive a criminal conviction.

When juxtaposed with the relatively tiny number of foreign-born offenders, some may ask if such a position serves any practical purpose. That notwithstanding, it is not hard to predict how both political halves of Washington DC will take the news.