

# US Supreme Court agrees to hear Biden administration appeal aimed at giving State Department sweeping power to separate immigrant families

Jacob Crosse  
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On January 12 the US Supreme Court announced it would hear an appeal by the Biden administration in a case on whether the US government has to provide any explanation when it denies a green card to the spouse of a US citizen. The justices will also decide if a US citizen has the right to a day in court to challenge the denial, even where the denial results in family separation.

Oral arguments in the case, *State Department v. Muñoz*, will be held in April. The case concerns a husband and wife who have been separated for almost nine years after previously living together in Los Angeles, California. The couple met in 2008 and were married in 2010. However, while visiting a US Embassy in El Salvador in 2015 as part of the final review for his green card, Luis Asencio-Cordero was denied a visa by a consular official and was unexpectedly forced to remain in El Salvador.

For nearly a decade, Asencio-Cordero has been separated from his Los Angeles-born wife, Sandra Muñoz.

A growing movement to “Bring Luis Home” in 2024 has been launched to mobilize workers and immigrants internationally against the Biden administration.

The campaign to reunite Muñoz and Asencio-Cordero has been joined by several attorneys and organizations, including the Socialist Equality Party (SEP) in the United States, that have signed a letter demanding “immediate action” to reunite the family.

The SEP is the US section of the International Committee of the Fourth International, which publishes

the *World Socialist Web Site*.

The letter states that, “Sandra and Luis followed the legal process in an attempt to strengthen their family unity, but ended up separated without due process. As a result of the Biden administration’s decision to appeal this case to the Supreme Court, the rights of millions in mixed-immigration status families are at risk. A negative ruling would lead to countless unjust family separations and could pave the way for future attacks on immigrants, including after the 2024 election.”

In addition to the SEP, organizations in support of this demand include Advance Peace Fresno, Loyola Immigrant Justice Clinic, Loyola Law School (Los Angeles), Communities United for Restorative Youth Justice and Young Women’s Freedom Center.

Muñoz previously told the *World Socialist Web Site* that she “was heartbroken, confused and frustrated,” following the consular decision, as she has yet to receive an explanation as to why her husband was denied. He has never been part of gang nor involved in any criminal activity.

“I knew and I know my husband. He was not going to engage in unlawful activity—whatever in the world that meant. I didn’t know how to disprove it except to point to our lives. My husband didn’t have a criminal history. I didn’t have a criminal history. I am a lawyer, I am an officer of the court. It was just unfathomable that the US government had come to a conclusion that was completely unsupported by the facts and by our histories.”

That the Supreme Court is hearing the case at all is

entirely due to the vindictive actions of the Biden White House. In 2022, the Ninth Circuit Court ruled that the government had violated the constitutional rights of Muñoz by denying her husband a visa without providing a reason.

Instead of abiding by the decision, the Biden administration appealed it up to the right-wing Supreme Court.

In a bid to secure Republican votes for his \$110 billion national security supplemental package, which includes over \$61 billion for war in Ukraine against Russia, Biden, Democrats and Republicans in the Senate, have agreed to a border bill that would all but abolish the right to asylum in the US and drastically increase the scope and scale of the border security apparatus.

The Biden administration's decision to appeal this case demonstrates in practice that there is virtually no limit to the anti-democratic actions Biden and the Democratic Party are willing to take in order to secure funding for the war in Ukraine, the dominant priority of the administration.

The decision of the conservative dominated Supreme Court has the potential to impact millions of married couples in the United States and their families. According to 2011 US Census figures, over 11.4 million married couples in the US have at least one spouse who was born outside the country, with over 4.1 million households in the US having one spouse born in the country, while the other was born outside.

Census data from 2019 found that over 26 percent of children in the US, or over 22 million children, lived in households with at least one parent or caregiver who was born outside the US. The court's decision has the potential to grant unelected State Department officials unchallenged authority to deny visas and separate families without explanation or recourse.

The WSWS encourages all supporters of democratic rights to sign the letter to "Bring Luis Home" and share it widely with coworkers, family and friends.



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