

U.S. Supreme Court strips refugees of protected status, blocks immigrants from applying for asylum

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The U.S. Supreme Court on Thursday issued two virulently anti-immigrant decisions authored by arch-reactionary Justice Samuel Alito on behalf of the six-justice right-wing bloc. The three moderate justices dissented.

The rulings will have immediate—and, in some cases, deadly—consequences for hundreds of thousands of immigrants seeking refuge in the United States from political oppression, violence and starvation in their countries of origin.

The first, *Mullin v. Doe*, reverses multiple lower court rulings that former Secretary of Homeland Security Kristi Noem failed to follow appropriate procedures when she revoked the Temporary Protected Status (TPS) designation for refugees from Haiti and Syria. The TPS program was established in 1990 under the George H.W. Bush administration.

Alito wrote that revocation of a TPS designation “allows no judicial review” whatsoever of “either an individual decision or the chain of events leading up to a decision.” In other words, all of the approximately 1.3 million immigrants who before Thursday were legally living and working in the US under TPS designations—many for a decade or more, and some with children who are US citizens by birthright—are instantly converted to undocumented aliens subject to immediate deportation to their countries of origin without any recourse to a court of law.

Haiti was designated under TPS in 2010, shortly after the devastating earthquake that killed more than 300,000 in the impoverished former French colony, the location of history’s only successful slave revolt.

Presently, an estimated 350,000 Haitians live and work in the United States, the majority of whom fled following the assassination of President Jovenel Moïse in July 2021, which left Haiti without a functioning parliament or executive branch. The country is essentially under the control of violent gangs sponsored by rival warlords in the Haitian ruling class. The police that remain are just as brutal as the gangs. A recent UN report documented 106 extrajudicial killings by law enforcement in just three months of 2024, including children as young as 10.

The U.S. State Department has a Level 4: Do Not Travel

Advisory for Haiti—its highest—citing crime, terrorism, kidnapping, unrest and limited healthcare.

Syria was designated under TPS in 2012, after Ba’athist Bashar al-Assad’s brutal crackdown on the Arab Spring protests that sparked 12 years of civil war. An estimated 50,000 Syrian refugees are living in the US.

When revoking Syria’s TPS designation, Noem claimed that the country was moving “to a stable institutional governance” under the sectarian Hayat Tahrir al-Sham party, a former al-Qaeda affiliate previously designated by Washington as terrorist. The TPS revocation occurred a few months after government forces massacred approximately 1,700 Alawites. Syria is again on the brink of civil war, with government forces squaring off against the Kurdish-led Syrian Democratic Forces.

In addition to 400,000 Haitian and Syrian refugees, Thursday’s ruling effectively erases lower-court rulings that enjoined the Trump administration from revoking TPS designations protecting hundreds of thousands of refugees from Venezuela, Somalia and Ethiopia. There are almost 200,000 Salvadorans and over 50,000 Ukrainians living in the US under TPS designations that are still in place but are now subject to summary revocation.

Besides citing procedural flaws in Noem’s revocation process, the refugees claimed that the Trump administration acted with illegal “racial animus,” particularly in regards to Haitians.

In dissent, Justice Elena Kagan wrote that “race entered into the President’s resolve to remove Haitians from this country,” citing “statements by the President so repellent and racially inflected that the majority declines to put them in print.”

Kagan listed examples from Trump’s mouth:

- “They’re eating the dogs... They’re eating the cats. They’re eating—they’re eating the pets of the people that live in Springfield, Ohio.” They are eating “other things too that they’re not supposed to be.”

- Haitians in the US “probably have AIDS.” Haiti is a “shithole country,” which is “filthy, dirty and disgusting.”

- Haitian immigration is “like a death wish for our country.” “Why is it we only take people from shithole countries” like

“Haiti and Somalia... Why cannot we have some people from Norway and Sweden?”

Alito claimed these disgusting remarks are not “overtly racial” and excused them as “heated language” that exemplifies how “political discourse by prominent public figures is increasingly couched in terms that would have scandalized the public just a short time ago.”

While the attack on Haitians is of a particularly filthy racist character, making revocation of TPS designations unreviewable is fundamentally an attack on the entire working class, which will not accept the wholesale deportation of co-workers and fellow students.

In the second anti-immigrant ruling, *Mullin v. Al Otro Lado*, the same lineup of Supreme Court justices reversed the Ninth Circuit Court of Appeals, reinstating the practice of Customs and Border Protection (CBP) officers of turning away immigrants before they can cross into a port of entry, thus blocking their asylum applications under a law that grants people who “arrive in” the United States the right to apply for asylum.

Prior to Trump’s first inauguration in 2017, Democratic President Barack Obama implemented this so-called “metering” in response to a surge of Haitian refugees along the Mexican border. The result was a mushrooming of squalid, crime-ridden refugee camps in Northern Mexico and a sharp increase in illegal crossings.

Ignoring both the political context and human consequences of metering, Alito called the question “straightforward” because “no one would say that a person ‘arrives in’ a place—for example, a house, a city, or a country—before the person enters that place.” After surveying dictionaries, Alito rejected the contention that a person “arrives” at a place where someone is blocking entry.

Alito’s opinion was little more than a cut-and-paste of the Trump administration brief, incorporating the same puerile metaphors. In American football, a “running back does not arrive in the end zone when he reaches the 1-yard line,” Alito wrote, nor does a letter “arrive in the mailbox when a dog assaults the carrier a step away.”

Alito concluded, “A person arrives in a destination only when he enters it, and that conclusion does not change because someone or something blocks entry.”

Brushing off the Refugee Act of 1980, which prohibits the return of refugees who face persecution, Alito wrote that the law “imposes a duty on nations not to send refugees that are within their borders to certain places,” not “that refugees have a right to enter a nation at the time they prefer.”

Justice Sonia Sotomayor read an expanded summary of her dissent from the bench, displaying unusual emotion for a justice. She stated, “The consequences of today’s decision are predictable. More people will die. More people will attempt to cross the border illegally, and some will make it while others will not.”

Referring to the M. S. St. Louis—the ship with more than 900 Jewish refugees from Nazi Germany that was turned away from US shores and forced to return to Europe, where most wound up exterminated in concentration camps—Sotomayor wrote, “the majority’s interpretation would allow immigration officers to refuse even to consider their asylum applications by physically blocking them from stepping foot onto US soil.”

Sotomayor’s courtroom summary was so powerful that Alito protested he was blindsided and had to respond. Nothing similar has previously happened in the Supreme Court.

In yet a third 6-3 decision authored by Alito, *Wolford v. Lopez*, the Supreme Court overturned Hawaii’s law that barred concealed firearms from private property open to the public, such as stores and restaurants, without the consent of the owners, claiming the law violated the Second Amendment right to bear arms, one of the few constitutional rights the current majority has expanded.

Finally, defending big business from victims of malfeasance, a different alignment of Supreme Court justices ruled 7-2, Justices Neil Gorsuch and Ketanji Brown Jackson dissenting, that Bayer subsidiary Monsanto Company, the manufacturer of the pesticide Roundup, cannot be sued for negligently failing to warn of its cancer risks under state product liability laws so long as its disclosures conform to those required by the federal Environmental Protection Agency.

Although Bayer and its insurance carriers have already paid billions in Roundup verdicts and settlements, the ruling jeopardizes an estimated 60,000 pending claims. Bayer stock rose 17 percent in trading after the decision was issued.

Eight cases, including the rights of transgender athletes, Trump’s authority to terminate members of the Federal Trade Commission and Federal Reserve Board, mail-in ballots, First Amendment protection for political contributions and birthright citizenship, remain to be decided before the end of the current Supreme Court term next week. More opinions will be released on Monday.



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