



Written by [Veronika Kyrylenko](#) on August 1, 2021

DOJ Sues Texas Over Order Restricting Illegal Migrants' Transportation

The Biden administration filed a lawsuit against the state of Texas on Friday, asking a federal judge to block Governor Greg Abbott's order that state troopers pull over drivers transporting migrants who pose a risk of carrying COVID-19 as a way to prevent the spread of the virus.

The Department of Justice claims that Abbott's [executive order](#) GA-37, issued last Wednesday, violates the federal supremacy clause of the U.S. Constitution and "causes injury to the US and to individuals whom the US is charged to protect, jeopardizing the health and safety of noncitizens in federal custody, risking the safety of federal law enforcement officers and their families, and exacerbating the spread of [Covid-19] in our communities," as argued in the [lawsuit](#), which was filed on Friday in the Western District of Texas in El Paso. "In our constitutional system, a State has no right to regulate the federal government's operations," the lawsuit states.



AP Images

Abbott's order seeks to make it illegal to provide ground transportation to a group of migrants who have been detained by immigration officials for crossing the border illegally or who would have been expelled from the country under current border policy. The directive allows law enforcement to stop any vehicle on reasonable suspicion of doing so. The state troopers would have also been able to either seize the vehicles or escort them to the point of original entry.

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The order cites a 900-percent hike in COVID-19 cases in migrant detainees in the Rio Grande Valley and the potential spread of the virus further into the state and the country — a well-substantial concern that was yet again [raised](#) by U.S. Border Patrol officials on Sunday.

The order is aimed at non-governmental organizations that often transport migrants from Customs and Border Protection (CBP) stations to shelters and other destinations, as well as at Greyhound buses, which are frequently used by migrants to travel after being released from federal custody. Both sometimes operate under contract with, or in connection with, the federal government.

U.S. Attorney General Merrick Garland [said](#) Thursday the order was "dangerous and unlawful." In a [letter](#) sent to Governor Abbott, Garland warned that if the order is not rescinded immediately, then the United States "intends to pursue all appropriate legal remedies to ensure that Texas does not



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interfere with the functions of the federal government.”

The White House also [pushed back](#) on claims that migrants are spreading COVID-19, arguing that they are provided personal protective equipment the moment they get into custody and required to wear masks at all times, thus (according to the argument) can't spread the virus even if they are infected. It was also indicated that people apprehended after crossing into the United States are tested if they show “signs of illness in CBP custody.”

In response, Abbott [pointed](#) out that Biden was allowing “migrants from over 150 countries, many of whom are testing positive for COVID-19” into Texas, and charged that the federal government is being irresponsible with COVID testing and containment measures. “The Biden administration is jeopardizing the health and safety of Texans on a daily basis,” Abbott said. “And it's not just Texans; these irresponsible policies and actions by the Biden administration are endangering the lives of many Americans as well as the unlawful immigrants themselves.”

In a letter to Garland, Abbott stressed, “The authority that you assert to protect noncitizens directly conflicts with my authority, and duty, to protect citizens of Texas and the United States.”

Responding to the lawsuit, Abbott [accused](#) the Biden administration of creating “a constitutional crisis between the federal government and the State of Texas” by its “refusal to enforce immigration laws [thereby allowing] illegal immigrants with [Covid]-19 to enter our country.” Abbott says that President Joe Biden has long since abdicated his authority and responsibility to protect and uphold our nation's sovereignty, and, instead, “knowingly imports COVID-19 into Texas from across the border — willfully exposing Texans and Americans alike.” The statement concluded: “Until President Biden and his Administration do their jobs to enforce the laws of our nation and protect Americans, the State of Texas will continue to step up to protect our communities and uphold the rule of law.”

Texas Attorney General Ken Paxton also [responded](#) to the lawsuit in a statement saying Abbott's order was “much-needed” and is “perfectly legal.”

The Biden administration claims the immigration crisis is rooted in climate change and poor governing in the Northern triangle countries that only “coincided” with Joe Biden taking office. Biden has shredded his predecessor's strict immigration policies, resulting in a record influx of migrants, many of whom have tested positive for COVID-19.

Governor Abbott, along with Arizona Governor Doug [Ducey](#) and [many](#) Republican lawmakers, has contended that the public-health struggles with COVID-19 have been exacerbated by the Biden administration's failure to enforce [Title 42](#), the Trump-era “turn back” policy that deported migrants who could be infectious with the disease, as well as by the administration's failure to secure the border generally.

Multiple news outlets have reported busloads of migrants being dropped off at locations across Texas, as the top federal and local authorities across the nation warn of the new wave of COVID-19 caused by the “highly transmissible” Delta variant spreading across the country.



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