



Written by [R. Cort Kirkwood](#) on April 26, 2022

Federal Judge Stymies Biden on Title 42. But Order's Practical Effect Might Be Nil

President Biden's plan to stop the Title 42 expulsion of illegal aliens at the border with Mexico might not go as planned.

Yesterday, a [federal judge announced](#) that he would issue a temporary restraining order, pursuant to a lawsuit, to stop [Biden from nixing](#) the Trump-era policy. Title 42 of U.S. immigration law permits the president to remove illegal aliens for health reasons. Trump implemented the law in 2020 after the Flu Manchu arrived on a fast boat from China.

The states sued because they know what will happen if Biden stops the expulsions. A tidal wave of illegals, the likes of which will make what border agents [face now](#) seem small, will smash into the border and overwhelm its protectors.

Problem is, the order from the judge won't stop Biden from using the mass invasion from Mexico and Central America to colonize American cities and towns. For one thing, Biden has already stopped using Title 42, even if he hasn't officially ended its implementation.

For another, Title 42 regardless, hundreds of thousands of illegals won't be deported. Biden will release them to scatter across the heartland, become citizens, and then Democrat voters. The goal: dispossess and replace legacy Americans to cement permanent Democrat power.

BREAKING NEWS: In a lawsuit originally filed by Missouri, Louisiana, and Arizona, our Office just obtained a temporary restraining order to keep Title 42 in place. This is a huge victory for border security, but the fight continues on.

— Attorney General Eric Schmitt (@AGEricSchmitt) [April 25, 2022](#)

The Order

Judge Robert Summerhays, a Trump appointee who sits on the U.S. District Court for Western Louisiana, "told Republican state attorneys general and the federal government that he planned to grant the Republicans' request for a temporary restraining order" in a "virtual status conference," the [Missouri Independent reported](#).

State and federal legal officials will work on the details of the TRO and submit them to the judge for his approval.

Three states initially sued Biden over [lifting Title 42](#) on May 23. Eighteen [states joined](#) the lawsuit.



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Though the states included predictions about the tidal wave of humanity that would flood the country when Biden lifted Title 42, the lawsuit's basis is that Biden violated the Administrative Procedures Act. For instance, Count 1 of the [lawsuit argues](#) that the Centers for Disease Control, which recommended lifting the policy, did not provide proper notice or the appropriate time for public comment. Count 2 says the move is "arbitrary and capricious."

But bureaucratic technicalities are the least of the disastrous problems that lifting Title 42 will cause. Biden's own people estimated that border agents will encounter as many [18,000 illegals per day](#) if Title 42 expulsions end.

Will It Make a Difference?

Welcome as Summerhays' order is, the question is whether it will do any good.

Last week, Fox News's Bill Melugin delivered the frightening news that Biden's border authorities had *already scrapped the policy*.

"The president of the Border Patrol union tells me BP has already stopped enforcing Title 42 on migrants from Northern Triangle countries (Honduras, Guatemala, El Salvador) and is instead processing them via Title 8/expedited removal, but if they claim fear, released w/ NTA."

NEW: The president of the Border Patrol union tells me BP has already stopped enforcing Title 42 on migrants from Northern Triangle countries (Honduras, Guatemala, El Salvador) and is instead processing them via Title 8/expedited removal, but if they claim fear, released w/ NTA.

— Bill Melugin (@BillFOXLA) [April 20, 2022](#)

NTA means "notice to appear."

Continued Melugin:

Agents in the field have been telling me the same, they've been told to no longer enforce Title 42 on Northern Triangle countries even though the May 23rd repeal date is still over a month away. I'm told only predominantly Mexican nationals are being Title 42'd now.

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[@FoxNews](#)

— Bill Melugin (@BillFOXLA) [April 20, 2022](#)

Thus, although Biden is now using [Title 8](#) of immigration law to expel aliens, he has, as a practical matter, stopped using Title 42. Once it expires, he might well stop the Title 8 expulsions, too.

Illegals know that Biden will welcome them as new Democrat voters, which is why a caravan from Guatemala [is heading](#) this way and is set to arrive on May 23.

They also know that whatever happens with Title 42 or any other expulsion policy, the long trip north is



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worth the risk.

[Biden has released](#) almost 400,000 illegals to colonize American cities and towns since fiscal 2022 began in October. Of the more than 220,000 illegals whom border agents encountered in March, Biden released about 80,000.

So the chances of expulsion, or being released into the heartland, are almost even. Illegals have no reason not to try jumping the border, what a judge does regardless.

That's one reason, as [Breitbart reported](#), 6,000 illegals are waiting in Tijuana to jump the border when Title 42 expulsions end on May 23.



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