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AG SLATERY JOINS LAWSUIT CHALLENGING BIDEN IMMIGRATION POLICY

Title 42 is the only functioning mechanism controlling illegal border crossings and protecting public health

Nashville- Attorney General Herbert H. Slatery III, along with a coalition of 20 state attorneys general, is joining a federal lawsuit against the Biden Administration for ending Title 42, a public health policy that allows border officials to turn away migrants because of the COVID-19 pandemic. The coalition joins Missouri, Arizona, and Louisiana on the amended complaint filed in the Western District Court of Louisiana.

“With the recurring problems at the border you would think the Administration would want as much input from the states as it could get before shutting down a program,” said General Slatery. “But they decided to forego complying with the notice and comment requirements of federal law and shut it down as fast as they could.”

On April 1, 2022, the Centers for Disease and Control (CDC) announced it will terminate Title 42. The policy has been in effect since March 2020 and has been used by both the Trump Administration and the Biden Administration to turn away thousands of migrants to try and keep communicable diseases, like COVID-19, out of the country.

In the complaint, the States argue the decision from the Centers for Disease Control (CDC) to revoke Title 42 violates the Administrative Procedure Act (APA) because the Biden Administration made the decision without considering states’ interests or input on the matter.

For example, the attorneys general point to the federal government’s own assessment that says revoking Title 42 will create a surge at the Southern Border and will overwhelm law enforcement agencies and non-governmental organizations as well. The U.S. Department of Homeland Security, (DHS), estimates that removing Title 42 could result in as many as 18,000 migrants per day showing up at the southern border – which could mean 540,000 migrants in a single month.

The States are asking a federal judge to force the Biden Administration to keep Title 42 in place until it conducts the required notice and comment period required under law and adopts a policy that is not arbitrary and capricious.

To access the amended complaint, click here:

<https://www.tn.gov/content/dam/tn/attorneygeneral/documents/pr/2022/pr22-10-complaint.pdf>