



UNITED STATES SUPREME COURT DECISION BRIEF

Texas Conservative Coalition
Research Institute

Garland v. Gonzales
and
Johnson v. Arteaga-Martinez
(Both cases decided on June 13, 2022)

FACTS AND BACKGROUND

Garland v. Gonzales involved several immigrants who entered the U.S. illegally, were removed, re-entered the country illegally, and then were detained for more than six months without a bond hearing while they contested their pending removal on the ground that they would face persecution if deported. The immigrants sought class-wide injunctive relief, arguing that they and similarly situated immigrants were entitled to a bond hearing within 180 days under the Immigration and Nationality Act (INA).

The companion case, *Johnson v. Arteaga-Martinez*, involved a similarly detained illegal immigrant facing removal and alleging persecution if he were deported. The immigrant argued that he had a right to a bond hearing after six months of being detained while contesting his pending removal. Furthermore, he argued that he must be released unless the federal government established, by clear and convincing evidence, that he was a flight risk or a danger to the community.

LOWER COURT RULING

The respective lawsuits of the immigrants in *Gonzales* originated in two different federal district courts, one in California and one in Washington. Both district courts certified a class of similarly situated plaintiffs and ordered the federal government not to detain immigrants in their situation for more than 180 days without holding a bond hearing. In both cases, a divided Ninth Circuit affirmed the lower court's ruling in relevant part.

In *Arteaga-Martinez*, the district court granted injunctive relief and ordered the government to hold a bond hearing for the immigrant. The Third Circuit affirmed.

QUESTION PRESENTED FOR THE U.S. SUPREME COURT

1. In *Gonzales*, the question was: Did the district courts have jurisdiction to consider the immigrants' request for class-wide injunctive relief and to require bond hearings for all members of the class?

2. In *Arteaga-Martinez*, the question was: Does the applicable federal immigration statute- 8 USC 1231(a)(6)- require the federal government to hold a bond hearing for an immigrant detained for more than six months in which the government must prove by clear and convincing evidence that the immigrant is a flight risk or a danger to the community?

HOLDING BY THE U.S. SUPREME COURT

The Court answered both questions in the negative and ruled for the federal government. In *Gonzalez*, it relied heavily on the text of an applicable federal statute, 8 USC 1252(f)(1), which forbids any court other than the U.S. Supreme Court from enjoining or restraining the operation of the relevant removal procedures for illegal immigrants unless that operation concerns an “individual alien” against whom removal proceedings have been initiated. The Court reasoned that the requested injunction would clearly “enjoin or restrain” the application of federal law on removing illegal immigrants, and that the use of the phrase “individual alien” indicated Congress’s intention to eliminate class-wide rulings in this context.

In *Arteaga-Martinez*, the Court emphasized that the applicable federal statute makes no mention of a bond hearing or a burden of proof. Rather, the statute simply provides that an illegal immigrant in *Arteaga-Martinez*’s position “may be detained beyond the removal period [normally 90 days from the date the applicable order of removal is issued] and, if released,” shall be subject to certain terms of supervision.

MEANING FOR TEXAS

Texas, along with other southwestern states on the U.S.-Mexico border, is facing a flood of illegal immigration under the Biden Administration. From May 2021 to April 2022, U.S. Customs and Border Protection had, incredibly, more than 2.25 million “encounters” (i.e., apprehensions and expulsions) with migrants on the border.ⁱ It is unclear how many more illegal immigrants cross the border undetected. Faced with a federal government that refuses to vigorously enforce immigration law, Governor Abbot launched Operation Lone Star in March of last year to protect the Texas counties on the border.

While they are unlikely to stem the flow of illegal immigrants into Texas, the *Gonzalez* and *Arteaga-Martinez* cases will make removal of immigrants illegally re-entering the United States quicker and easier. Had the cases been decided differently, many immigrants detained for illegally re-entering the United States would be released on bond (with many undoubtedly staying in Texas), making deportation more difficult. While there is no quick solution to the border crisis, rapid expulsions following detention should hopefully serve as one deterrent.

ⁱ See <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>