

19-161 DEPT. OF HOMELAND SECURITY V. THURAISSIGIAM

DECISION BELOW: 917 F.3d 1097

LOWER COURT CASE NUMBER: 18-55313

QUESTION PRESENTED:

Respondent is an inadmissible alien who was apprehended almost immediately after illegally crossing the U.S. border and was placed into expedited removal proceedings. See 8 U.S.C. 1225(b)(1). An asylum officer conducted a credible-fear interview and found that respondent lacked a credible fear of persecution on a protected ground or a credible fear of torture. Upon *de novo* review, an immigration judge reached the same conclusions and respondent's expedited-removal order became final. Respondent then filed a petition for writ of habeas corpus, which the district court dismissed for lack of jurisdiction because it did not raise the kinds of habeas challenges to expedited-removal orders that are permitted under 8 U.S.C. 1252(e)(2). The court of appeals reversed, concluding that Section 1252(e)(2) violated the Suspension Clause, U.S. Const. Art. I, § 9, Cl. 2, as applied to respondent.

The question presented is whether, as applied to respondent, Section 1252(e)(2) is unconstitutional under the Suspension Clause.

CERT. GRANTED 10/18/2019