Immigration Weekly Round-Up: New Jersey Formally Ends Future Immigration Detention; Most New Immigrants Must Get Vaccinated; Supreme Court Reinstates Remain in Mexico Policy for Asylum Seekers

Article By
William C. Menard
Norris McLaughlin P.A.
Immigration Law Blog - Norris McLaughlin

Related Practices & Jurisdictions

- Administrative & Regulatory
- Coronavirus News
- Election Law / Legislative News
- Health Law & Managed Care
- Immigration
- All Federal
- New Jersey
New Jersey Governor Moves to Ban Future ICE Detention Centers

New Jersey Governor Phil Murphy has signed a bill that bans state and county governments from entering or renewing existing contracts to house immigrants in detention centers. While the bill will allow current detentions at both the Bergen and Hudson county prisons for the remainders of the existing agreements, county officials indicated immediately after the law’s passage that it would be slowing down and eventually ending, immigrant detention.

New Jersey is home to four locations that housed ICE detainees for several years – county jails in Hudson, Bergen, and Essex and a private facility in Elizabeth. Just last year, Hudson County had renewed its contract for an additional ten years, with up to 50 immigrants detained at any given time. Bergen County currently houses under 30 individuals in immigration detention centers, and the county sheriff has indicated that the number will steadily decline because people are being released or moved. They are no longer accepting new detainees. Essex County no longer has any immigrant detainees.

With the end of immigration detention in sight, immigration advocates have turned to help the few individuals who remain. The New Jersey Alliance for Immigrant Justice, Amy Torres, issued a statement, saying, “Now that this law safeguards our future, we are able to turn with renewed vigor to the fight to free everyone currently held in immigrant detention and call for an end to the cruelties of the prison industrial complex.”

Green Card Applicants Must Have COVID-19 Vaccine

Recently, the Centers for Disease Control and Prevention (“CDC”) announced that applicants for permanent residence in the United States, better known as “green cards,” must show proof of vaccination against COVID-19 before appearing for their required immigration medical exam. Green card applications are already required to show proof of certain vaccinations, such as mumps, measles, rubella, polio, tetanus, and others. This new rule is expected to take effect on October 1.

The rule applies to those applying for a green card within the United States and immigrant visa applicants applying at U.S. embassies and consulates around the world. Those who are partially vaccinated at the time of the medical exam must return at a later date once fully vaccinated.

The only exemptions from the COVID-19 vaccination requirement are for those who are too young to receive the vaccine, existing medical conditions that prevent vaccination, religious exemptions, or the vaccine is not readily available in their region. Green card applicants who refuse the COVID-19 vaccine will be found inadmissible to the United States.

Supreme Court Decision on Remain in Mexico Policy

On Wednesday, the United States Supreme Court in a 6-3 majority decision, refused
to block a lower court ruling that ordered the Biden administration to reinstate the Remain in Mexico Policy, formally known as the Migrant Protection Protocols, first introduced by Former President Trump. The decision was only a single paragraph, offering little explanation for its decision.

The policy requires thousands of asylum seekers at the U.S. border to stay in Mexico as their asylum claims are adjudicated in immigrant courts. President Biden then suspended the program upon his inauguration and the Department of Homeland Security ended it in June.

Because this ruling is only temporary while the federal courts consider all arguments regarding the policy, the Department of Homeland Security has stated it would continue to challenge the underlying order and policy.

©2021 Norris McLaughlin P.A., All Rights Reserved

National Law Review, Volume XI, Number 239