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SCOTUS Opinion: Temporary Protected Status Does Not Make Undocumented Immigrant Eligible For Green Card

8 Jun 2021

After an immigrant from El Salvador illegally entered the United States in 1997, he was given Temporary Protected Status (TPS) by the government, which allowed him to remain the country while his home country was considered too dangerous to return to, and "shall be considered as being in, and maintaining, lawful status as a nonimmigrant." Over a decade later, the immigrant applied for a green card, but was denied because he had entered the country illegally. The district court disagreed, holding that the immigrant's TPS required the government to treat him as though he had entered the country legally. The Third Circuit reversed, holding that TPS did not override his original illegal status.

In *Sanchez v. Mayorkas*, Justice Kagan, writing for a unanimous Court, affirmed, holding that the "plain terms" of the law required that an immigrant have entered the country "lawful[ly]" with "inspection" to be eligible for a green card. The TPS law only permits an immigrant to remain in the country and be able to "invoke" the process for a green card, but did not provide the prerequisite of legal entry.

A link to the decision is here: https://www.supremecourt.gov/opinions/20pdf/20-315_q713.pdf

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TAGGED: Temporary Protected Status, Undocumented Immigrant, Sanchez v. Mayorkas