

Supreme Court Blocks DACA Elimination

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In the second culturally important decision this week, the U.S. Supreme Court has ruled that President Donald Trump did not follow the appropriate process to eliminate the Deferred Action for Childhood Arrivals program, or DACA.

The program, begun through an executive order issued by Barack Obama during his presidency, allows foreign nationals brought to the United States as children to avoid deportation and work legally in the U.S. under certain conditions. More than 700,000 undocumented immigrants are currently enrolled in DACA.

The Trump administration attempted to eliminate DACA in 2017, arguing that Obama didn't have the authority to start the program.

In a 5-4 decision, the Court's majority dodged the issue of the program's legality and instead decided that the administration had failed to follow the requirements of the Administrative Procedure Act, a federal law that governs the way that executive branch regulations may be adopted or amended. But the majority also recognized that the administration had the legal authority to rescind DACA, provided it followed the appropriate process for doing so.

In fact, Chief Justice John Roberts' majority opinion stated, "The dispute before the Court is not whether [the Department of Homeland Security] may rescind DACA. All parties agree that it may. The dispute is instead primarily about the procedure the agency followed in doing so." Among other highlighted deficiencies, the Court found that the administration had failed to take into account the significant negative effects that the decision to rescind DACA would have had on the 700,000 or so recipients and their employers.

It remains to be seen whether the president will try to go back and start the DACA elimination process from scratch during an election year. But for now we know that DACA recipients are safe from deportation and will continue to be authorized to work legally in the United States.

The DACA decision marked the second time in four days that the Supreme Court issued a landmark ruling regarding a hot-button topic. Earlier this week, the Court ended years of questions by ruling that Title VII of the Civil Rights Act of 1964 [protects employees from being fired based on sexual orientation or transgender identity](#).

If anyone has questions on the DACA ruling or what the future holds, please [contact me](#) or any member of the [Barley Snyder Immigration Practice Group](#).

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