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BLG Breaking News

Fifth Circuit Upholds Federal Court Injunction Denying Executive Actions on DACA and DAPA

On Nov. 9, 2015 a divided panel of the Fifth Circuit Court of Appeals denied the government's appeal of the preliminary injunction that has halted implementation of President Obama's Nov. 20, 2014 deferred action initiatives. The initiatives – Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) and an expansion of Deferred Action for Childhood Arrivals (DACA) could have provided 5 million immigrants with temporary relief from deportation and temporary work authorization.

This decision means that those immigrants whose lives have been in limbo now for a year must now wait for the U.S. Supreme Court to weigh in on this decision. The Justice Department has announced that it will immediately appeal the Fifth Circuit's decision to the U.S. Supreme Court. The Supreme Court could hear the case this term and issue a decision before their current term ends in June 2016. If the Supreme Court upholds the Executive Actions the USCIS could begin accepting applications before President Obama leaves office in January of 2017.

The country is divided on Obama's Executive Actions. This case represents not only a split between the 26 states that brought the injunction and the 15 states that support the Actions. But there is also a split between appellate judges and the circuit courts on this case. And this case represents a conflict with past precedent. Since 1956 every U.S. President has granted temporary immigration relief to one or more groups in need of assistance. The Supreme Court has repeatedly upheld the right of the Executive to decide when and how to enforce the law and to exercise prosecutorial discretion.

It is now up to the Supreme Court to act. Our firm will keep clients up to date on this important issue. DACA has since its implementation in 2012 allowed hundreds of thousands of young people who were brought to the U.S. as children to continue in their education, to work, and to pursue their dreams. These executive actions would help the family members of these Dreamers.

If you would like more information about any of the news items reported in this newsletter or have a comment, please contact our office at (713) 980-9939 or email us at <admin1@barnett-lawgroup.com>.