



5th CIRCUIT ALLOWS INJUNCTION ON DAPA AND DACA EXPANSION TO STAND

On Tuesday, May 26th, the U.S. Court of Appeals for the 5th Circuit declined to lift a February 2015 temporary injunction halting both the [expansion of the Deferred Action for Childhood Arrivals \(DACA\)](#) program and the new [Deferred Action for Parental Accountability \(DAPA\)](#) program that extends deferred action and employment authorization benefits to qualifying parents of U.S. citizens and lawful permanent residents.

What Does this Mean?

The 5th Circuit Court of Appeal decision declined to lift the temporary injunction while the hearing on the merits goes forward. This does not mean that the 5th Circuit has agreed with the plaintiffs who sought and obtained the injunction, or with the lower court's rationale for issuing the injunction. The decision does mean that implementation of the DACA expansion and DAPA programs cannot move forward unless/until the injunction is later lifted or the Obama Administration prevails on the merits. The Administration may now appeal to the U.S. Supreme Court to request that the injunction be lifted, or may simply elect to await the 5th Circuit's hearing on the merits of the injunction, possibly within the next two months. At issue will be whether implementation of these programs will be allowed to proceed while the parties litigate the ultimate legality of the President's executive actions under the Administrative Procedures Act.

Unfortunately, what all of this means for families is that the long-awaited application for an Employment Authorization Document (EAD) continues, and the earliest time for a decision on the implementation of these benefits programs is likely at least two months away.

How Does this Impact Current DACA Benefits?

Current holders of DACA benefits should be reassured that their eligibility for benefits remain unaffected.

As new details impacting the implementation of DAPA and the DACA extension become available, Foster will provide additional information in future Immigration Updates[®] and via our firm's website at www.fosterglobal.com.