



DAPA AND DACA EXPANSION HALTED BY FEDERAL COURT

On Monday, February 16th, Judge Andrew Hanen of the U.S. District Court for the Southern District of Texas Brownsville Division granted a temporary injunction halting key elements of the President's recent immigration executive actions. The order temporarily halts the implementation of 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.

Why Did the Judge Issue an Injunction?

The decision was made in connection with a lawsuit filed by 26 states seeking a ruling that the President's actions are unlawful under the Administrative Procedures Act, a set of statutory provisions governing how Federal administrative agencies may exercise authority in executing the laws of the United States. The 26 states filing the suit alleged that the states would incur irreparable harm if the programs were allowed to be implemented while the matter is litigated. The adverse economic impacts alleged include the cost of services provided to the new DACA and DAPA recipients.

What Does this Mean for the Future of DAPA and the DACA Extension?

While both legal and political analysts are divided on what this means for the long-term outlook of these programs, all agree that implementation of both programs is currently forestalled by the judge's order. The Federal Government is likely to appeal the order to the U.S. Fifth Circuit Court of Appeals, seeking to have the injunction overturned. 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.

What Should Potential Applicants Do Now?

Potential applicants under both the DACA extension and new DAPA programs should still begin preparations to submit their applications. Applicants should collect the necessary documents and seek qualified immigration counsel. As always, applicants for immigration benefits should exercise caution to select only qualified immigration counsel and should avoid "notarios" who are not authorized to practice law and are not authorized to represent an applicant or his or her legal interests.

How Does this Impact Current DACA Benefits and Upcoming DACA Renewal Applications?

Current holders of DACA benefits should be reassured that their benefits are unaffected by the judge's ruling. Applicants who currently hold DACA benefits should proceed as planned with their DACA renewal applications.

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