

Trump Administration Issues Memorandum on DACA/DAPA

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DAPA Rescinded

On June 15th, the Department of Homeland Security (DHS) issued a brief memorandum on the status of DAPA. DAPA (Deferred Action for Parents of Americans and Lawful Permanent Residents) was a proposed policy that would allow certain illegal immigrants who were the parents of U.S. citizens or U.S. permanent residents to be eligible for deferred action, potentially deferring deportation and allowing for temporary work authorization. DAPA was introduced via memorandum in November 2014, but was never implemented. The DAPA directive had been litigated in federal court, ultimately resulting in a deadlock with the Supreme Court. Yesterday's announcement from DHS rescinded DAPA, stating "... there is no credible path to litigate the currently enjoined policy." Had DAPA been implemented, millions of individuals could have been affected.

DACA Not Expanded, but Remains Intact

In the same announcement, the Department of Homeland Security stated that it is rescinding the expansion of some aspects of the DACA program. DACA (Deferred Action for Childhood Arrivals) is a program that allows certain individuals (commonly referred to as "Dreamers") who came to the U.S. as children to request consideration for deferred action for up to two years. DACA also allows for temporary work authorization. DACA was introduced in June 2014 and continues to be in effect today. The proposed expansion of the program would have allowed for relief of up to three years, rather than the current two years. Although the expansion of the program has been rescinded, eligible individuals may still apply for the two-year consideration. DACA currently gives approximately 750,000 immigrants who were illegally brought to the U.S. as children the opportunity to apply for work permits.

Although DACA has not been rescinded, its future is unclear. The Trump administration has previously stated that it is devising a plan to deal with individuals covered by DACA. To date, no formal changes to the initial program have been published. The only formal statement regarding DACA was issued by DHS, clarifying that "The June 2012 memorandum that created the Deferred Action for Childhood Arrivals (DACA) program will remain in effect."

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