U.S. Supreme Court Blocks Rescission of DACA Program - Now What?

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On Thursday, June 18, 2020, in a 5-4 decision, the U.S. Supreme Court preserved the Deferred Action for Childhood Arrivals (DACA) program by holding that the Trump Administration had improperly terminated the Obama-era immigration program. While the Court held that the Department of Homeland Security (DHS) has the power to end DACA, DHS did not follow the appropriate procedure to do so.

The narrow ruling leaves the door open for DHS to make another attempt to end the program, and President Trump has signaled via tweet that DHS will do just that. On Sunday, June 21, 2020, acting DHS Secretary Chad Wolf indicated that DHS would review its options for ending the program in a legal fashion.

In the meantime, DACA will continue to operate as it has in the past, and the people protected under the program will continue to be protected for now. It is difficult to say what will happen with the program long term. While the Trump Administration may attempt to end DACA, the presidential election in November could influence that effort. Likewise, despite the Trump Administration continuing to press Congress to come up with a solution to DACA, legislation that leads to a permanent solution seems unlikely during a hotly contested election year.

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