

Department Of Homeland Security Rescinds Program To Provide Deportation Relief Previously Enjoyed By Federal Courts

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On Thursday, June 15, 2017, the Trump Administration announced that it was rescinding the 2014 Obama-era program called the Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA). Citing that there was no credible path forward to litigate the currently enjoined policy, Department of Homeland Security Secretary John F. Kelly signed a memorandum effectively rescinding the program that purported to provide a path for undocumented individuals with a U.S. citizen or lawful permanent resident child to be considered for deferred action. As the program was drafted, individuals who were parents of a U.S. citizen or lawful permanent resident as of November 2014, could apply for deportation relief after meeting certain criteria, such as continuous residence in the U.S. since January 2010 and not falling within the Homeland Security Secretary's enforcement priorities. Prior to implementation of the program, twenty-six states challenged DAPA in the U.S. District Court for the Southern District of Texas, which enjoined implementation of the program. Both the United States Court of Appeals for the Fifth Circuit and the U.S. Supreme Court affirmed and allowed the injunction to remain in place. The Trump administration's announcement also includes a statement confirming that Obama's 2012 immigration program called the Deferred Action for Childhood Arrivals (DACA) will remain in effect. Under this program over 780,000 individuals have already applied for and been granted deferred action relief, giving them legal status in the United States and the ability to apply for work authorization.

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