

## WHAT WILL HAPPEN TO DAPA AND DACA?

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On Monday, February 16, 2015, a federal judge in Brownsville issued an injunction on President Obama's executive actions announced in November 2014. As a result, the expansion of the Deferred Action for Childhood Arrivals (DACA) program, as well as the start of the Deferred Action for Parental Accountability (DAPA) program have been temporarily blocked.

What does this mean for those who have been eagerly awaiting the chance to obtain deferred action as parents of US citizens or permanent residents? Or those who entered the US before age 16, have been in the country since before January 1, 2010, and reached age 31 before June 15, 2012, and were newly eligible to apply for DACA? **Do not despair!** The US government will appeal the injunction, which may take several

months to decide, and also may file a request with the Court of Appeals to stay the injunction immediately. There is widespread agreement in the legal field that the President's actions ARE constitutional, and that the court will find that DAPA and expanded DAPA can go forward. **Meanwhile, please continue to gather documents to prove your eligibility for DAPA and DACA; there is no reason to stop.** Here is what Department of Homeland Security Secretary Jeh Johnson said on February 17<sup>th</sup>:

*I strongly disagree with Judge Hanen's decision to temporarily enjoin implementation of Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) and expanded Deferred Action for Childhood Arrivals (DACA). The Department of Justice will appeal that temporary injunction; in the meantime, we recognize we must comply with it.*

*Accordingly, the Department of Homeland Security will not begin accepting requests for the expansion of DACA tomorrow, February 18, as originally planned. Until further notice, we will also suspend the plan to accept requests for DAPA.*

*The Department of Justice, legal scholars, immigration experts and even other courts have said that our actions are well within our legal authority. Our actions will also benefit the economy and promote law enforcement. We fully expect to ultimately prevail in the courts, and we will be prepared to implement DAPA and expanded DACA once we do. It is important to emphasize what the District Court's order does not affect.*

*The Court’s order does not affect the existing DACA. Individuals may continue to come forward and request initial grant of DACA or renewal of DACA pursuant to the guidelines established in 2012.*

*Nor does the Court’s order affect this Department’s ability to set and implement enforcement priorities. The priorities established in my November 20, 2014 memorandum entitled “Policies for the Apprehension, Detention and Removal of Undocumented Immigrants” remain in full force and effect. Pursuant to those enforcement priorities, we continue to prioritize public safety, national security, and border security. I am pleased that an increasing percentage of removals each year are of those convicted of crimes. I am also pleased that, due in large part to our investments in and prioritization of border security, apprehensions at the southern border – a large indicator of total attempts to cross the border illegally -- are now at the lowest levels in years. Source: [http://www.dhs.gov/news/2015/02/17/statement-secretary-jeh-c-johnson-concerning-district-courts-ruling-concerning-dapa]*


One advocacy group, the National Immigration Law Center, declared on February 16:

*“...Questions about the legality of President Obama’s actions on immigration have already been addressed in other courts, and state claims like the ones upheld today have already been rejected. Today’s decision overlooked sound legal reasoning and precedent, and, if not reversed, threatens to keep millions of aspiring Americans from coming forward to apply for much-needed reprieves from deportation and work authorization.*

*Fortunately, this decision represents only a temporary setback. We urge the Department of Justice to act swiftly to ask the Fifth Circuit Court of Appeals to reverse this court’s decision to block the immigration initiatives. Failure to do so will confuse potentially eligible immigrants and undermine the success of these initiatives.*

*Opponents’ declarations of victory today are premature. We are confident that the courts will ultimately side with the scores of legal experts, state leaders, city officials, and law enforcement leaders who say that these immigration initiatives are both in full compliance with law and deeply beneficial to our communities, society, and country. In the meantime, we will only strengthen our resolve to prepare for the moment when immigrant families can come forward and apply for the opportunity to contribute more fully to the country they have made their home...” Source: [http://nilc.org/nr021615.html]*

**Again, there is no reason to stop gathering your documents to prove your eligibility for DAPA and DACA, however please be cautious of those who may offer to begin preparing your case now and take money from you to do so. Remember, there is no way to apply at this time, so be careful of scammers, and especially of “notarios”. Notarios are not authorized to practice law in the United States. Consult with an immigration attorney before making any decision regarding immigration matters.**

<p>If you would like to schedule an appointment, you can reach our team by phone at <b>(206) 774-8758</b> or via email at <a href="mailto:jvargas@globallawadvocates.com">jvargas@globallawadvocates.com</a></p>	<p>Si le gustaria hacer una cita, por favor llame al número <b>(206) 774-8758</b> o por medio de correo electronico a <a href="mailto:jvargas@globallawadvocates.com">jvargas@globallawadvocates.com</a></p>
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