

ALERT

A Second Federal Court Orders DHS to Continue Accepting DACA Applications

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Last fall, six New Yorkers who had benefited from the Deferred Action for Childhood Arrivals, or DACA, program bravely stood up to President Trump by challenging his administration's decision to end DACA. On February 13, 2018, a federal district court in Brooklyn, NY, granted their request for a nationwide preliminary injunction. Courts across the country have now issued a clear message: The way President Trump ended DACA was not just immoral, but unlawful.

The [preliminary injunction](#) issued by the court in Brooklyn requires U.S. Citizenship and Immigration Services (USCIS) to accept DACA applications from people who have had DACA previously.

What happened?

The U.S. District Court for the Eastern District of New York issued a preliminary injunction in *Batalla Vidal, et al. v. Nielsen, et al.* and *State of New York, et al. v. Trump, et al.* The plaintiffs in the [Batalla Vidal case](#) are represented by NILC, along with the Jerome N. Frank Legal Services Organization at Yale Law School and Make the Road New York. The district court held that there was a substantial likelihood that the plaintiffs would prevail on their claim that the Trump administration ended DACA in a way that was arbitrary and capricious — and therefore unlawful.

This opinion requires USCIS to accept DACA applications from individuals who have previously obtained deferred action through DACA. The injunction has the same scope as [an injunction issued last month](#) by a court in California, under which USCIS is [now accepting renewal applications](#).

What does this mean for the case?

This opinion could not be more timely. On Friday, the U.S. Supreme Court will consider whether to take up the government's appeal of the [California injunction](#). The government has sought to skip over the Ninth Circuit Court of Appeals and seek early review by the Supreme Court, in a highly uncommon procedural move.

Now that the federal court in New York has ruled, the Supreme Court may also consider this decision and the potential appeal by the federal government.

What does this mean for Congress?

This injunction is not the end game, and it does not offer the permanent solution that Dreamers around the country need. Congress still needs to do its job. The courts are doing their part to protect us all from arbitrary government action, but we need a real solution for Dreamers that doesn't hurt immigrant families in the long term.

This week, the Senate has a choice of whether to address the immediate crisis facing Dreamers. This is not the time for Congress to hold Dreamers hostage in order to attack immigrant families and the cities that welcome them. Congress needs to do the right thing and pass the Dream Act now.

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