

DACA Program Continues as U.S. Supreme Court Declines to Expedite Consideration of Cases

Article By:

Forrest G. Read IV

The “Dreamers” have received another reprieve from the U.S. Supreme Court.

DACA litigation has been in the news since September 2017, when then-Attorney General Jeff Sessions announced the DACA program would be terminated. In response to that announcement, multiple lawsuits were filed in federal courts in California, New York, Maryland, Texas, and the District of Columbia, resulting in multiple nationwide injunctions blocking the termination of the program. Indeed, the injunctions have forced USCIS to continue granting DACA renewals.

According to Vice President Mike Pence, the Trump Administration is looking for a way to prevent U.S. District Courts from imposing nationwide injunctions. In a [speech in May](#), he said these injunctions are “judicial obstruction.” Absent relief from these injunctions, the Administration is attempting to expedite review of pending cases that are blocking its policies.

For instance, the Administration attempted to force the Supreme Court’s early consideration of the DACA cases in early-2018, which the Court rejected. At the end of May 2019, the government again sought to expedite the case by filing a brief urging the Court to decide whether to grant review by the end of this term, *i.e.*, by June 24, 2019. The [Administration argued](#), “The very existence of this pending litigation (and lingering uncertainty) continues to impede efforts to enact legislation addressing the legitimate policy concerns underlying the DACA policy.” But that argument did not prevail. On June 3, 2019, the Court rejected the Administration’s request.

The Court probably will not even consider reviewing the DACA cases until the fall and, if it grants review, a decision might not come down until sometime in 2020.

For now, the “Dreamers” can continue to renew their status, but they also will have to continue to live with the uncertainty. There is always the possibility that Congress will pass legislation that might provide a permanent solution for the “Dreamers,” but the legislative route has been bumpy. While numerous deals have been proposed regarding a DACA solution, stumbling blocks continue to appear in the form of unacceptable “quid pro quos.” Indeed, DACA was even a [pawn in the most recent government shutdown](#).

National Law Review, Volume IX, Number 155

Source URL: <https://natlawreview.com/article/daca-program-continues-us-supreme-court-declines-to-expedite-consideration-cases>