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DACA Suspension Invalidated

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On Nov. 14, U.S. District Judge Nicholas G. Garaufis held that Chad Wolf was “not lawfully serving as Acting Secretary of Homeland Security under the HAS [Homeland Security Act] when he issued the Wolf Memorandum” in July, which suspended new Deferred Action for Childhood Arrivals (DACA) program applications and limited renewals. Accordingly, Wolf lacked the authority to act in the Homeland Security Chief capacity and his actions were invalid. While the decision did not explicitly order the Department of Homeland Security to restore the original version of DACA, it did certify a class of over 1 million immigrants who may be eligible for DACA but were previously prevented from applying. The ruling is likely to be appealed by the government.

Lizbeth M. Chow contributed to this article.

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