



DACA FAQs

On May 1, 2018, seven states, led by Texas, filed a federal lawsuit challenging the constitutionality of Deferred Action for Childhood Arrivals (DACA). Here are some frequently asked questions about the ongoing legal battles surrounding the immigration and workforce initiative:

What is DACA?

DACA was initiated by the Obama administration in 2012 and grants deferred action, or work authorization and protection from deportation, to nearly 800,000 young undocumented immigrants who came to the United States as children.

How is MALDEF (Mexican American Legal Defense and Educational Fund) involved in the intervention effort in the lawsuit filed by Texas and the six other states trying to force an end to DACA?

Although the federal government is the defendant in the lawsuit, the Trump administration itself has sought to rescind the initiative and won't vigorously defend the legality of DACA and the interests of DACA recipients. MALDEF represents 22 DACA recipients who rightfully want to defend their continued contributions to the country in which they grew up.

If the Trump administration is the defendant, isn't it legally obligated to represent DACA recipients?

The federal government typically defends its own initiatives but not in every case. Because the lawsuit filed by the seven states challenges the constitutionality of the 2012 Obama administration executive order that created DACA, and the Trump administration has stated its

belief that DACA is illegal, the federal government may not provide a vigorous defense of the initiative.

Aren't the issues the same in this case as when Texas sued in 2014 to block another Obama administration executive action that would have expanded DACA?

That executive action sought to expand DACA and to grant deferred action protections under another initiative known as DAPA (Deferred Action for Parents of Americans). Texas argued immediately after DAPA was announced that the additional cost of administering the program would cause “irreparable harm” to the state. In 2016, a split Supreme Court in a 4-4 ruling, let stand a lower court ruling blocking DAPA from being implemented. Unlike the initiatives in that case, DACA has been in place for nearly six years. Texas and other states must now prove that they will be injured by the continuation of DACA.

What about the other lawsuits working their way through the courts challenging the Trump administration's September 2017 order to rescind DACA? Will those cases have any bearing on the Texas-led lawsuit?

Not directly. The other lawsuits have sought to block the Trump administration's rescission order, while Texas is asking a federal court to invalidate DACA itself. Still, the cases could collide at some point if there are contradictory rulings from federal judges. Already this year, three federal district courts have blocked Trump's September 2017 order attempting to phase out and rescind DACA.

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