

## A History of Efforts to Challenge DACA in Federal Court

*Texas and six other states are challenging the constitutionality of the Deferred Action for Childhood Arrivals (DACA) initiative. Here is a timeline prepared by MALDEF (Mexican American Legal Defense and Educational Fund) of significant dates in the history of DACA.*

**June 15, 2012:** The Obama administration announces the DACA initiative, which allows undocumented young immigrants who were brought to the U.S. as children to temporarily remain in the U.S. and obtain work visas for two years.

**November 20, 2014:** The administration moves to expand DACA and introduces Deferred Action for Parents of Americans (DAPA), an initiative that would allow parents of U.S. citizen or permanent resident children to temporarily remain in the U.S. and obtain work permits.

**December 3, 2014:** Texas and 25 other states ask a federal court in Texas to block implementation of DAPA and the expansion of DACA. That lawsuit is known as *Texas v. United States*.

**February 16, 2015:** U.S. District Court Judge Andrew Hanen issues a preliminary injunction blocking DAPA and expanded DACA from being implemented. The U.S. Department of Justice appeals the decision.

**April 17, 2015:** The United States Court of Appeals for the Fifth Circuit hears oral argument in the appeal of the injunction.

**May 26, 2015:** A divided three-judge panel of the Fifth Circuit upholds the injunction blocking DAPA from being implemented.

**November 9, 2015:** A divided three-judge panel of the Fifth Circuit upholds the injunction blocking DAPA. At the same time, the Fifth Circuit overturns Hanen's decision to deny MALDEF's request to intervene in *Texas v. United States* on behalf of three Texas mothers who sought to apply for DAPA.

**January 19, 2016:** The U.S. Supreme Court grants the Obama administration's petition for a writ of certiorari, agreeing to consider whether the injunction against DAPA was properly granted.

**April 2016:** The U.S. Supreme Court hears oral argument in *United States v Texas*. MALDEF, representing the lone intervenors in the case, presents oral argument on behalf of the three mothers.

**June 23, 2016:** The U.S. Supreme Court announces without detail a 4-4 deadlock of the justices in *United States v. Texas*. As a result, Judge Hanen's preliminary injunction remains in place, blocking the implementation of DAPA.

**June 15, 2017:** The case returns to the trial court and, following many months of a stay to allow the new administration to decide its position, Texas refuses to agree to further delay. In response, the U.S. Department of Homeland Security officially rescinds DAPA, ending an initiative that existed on paper only.

**June 29, 2017:** Texas Attorney General Ken Paxton and nine states involved in the 2015 lawsuit threaten to amend the DAPA lawsuit to challenge DACA if the 2012 initiative is not rescinded by September 5. The states' request is at odds with their assertions throughout the case that they were not challenging the original DACA initiative.

**July 28, 2017:** MALDEF asks a federal court in Brownsville, Texas to dismiss *Texas v. United States*, the 2015 lawsuit filed by Texas against DAPA, because the case became moot once the initiative was rescinded.

**August 31, 2017:** Texas Attorney General Ken Paxton reiterates that the states have given the Trump administration a Sept. 5 deadline to rescind DACA or face a lawsuit. Legally, the deadline does not require the administration to take action.

**September 1, 2017:** Tennessee Attorney General Herbert Slatery, one of the signatories of the earlier threat letter, issues a new letter signaling that his state will not seek to challenge DACA in court after all. He urges congressional leaders to move swiftly to address the issue.

**September 5, 2017:** U.S. Attorney General Jeff Sessions announces the Trump administration's decision to rescind DACA. The government sets an arbitrary one-month deadline to cease accepting new DACA applications and a six-month deadline – March 5, 2018 – to stop processing DACA renewal requests.

**January 9, 2018:** Judge William Alsup of the U.S. District Court for the Northern District of California issues a preliminary injunction in *Regents of the University of California, et al. v. Department of Homeland Security*, ordering the federal government to continue to process DACA renewal requests pending resolution of legal challenges.

**January 18, 2018:** The Trump administration attempts to circumvent the Ninth Circuit Court of Appeals by filing a petition for a writ of certiorari requesting the U.S. Supreme Court to hear a direct appeal of Judge Alsup's decision.

**February 13, 2018:** Judge Nicholas G. Garaufis of U.S. District Court for the Eastern District of New York issues a second nationwide injunction blocking the government's attempt to end DACA, ruling that the Trump administration's attempt to repeal the initiative was "arbitrary and capricious." The ruling applied to two separate lawsuits, *Batalla Vidal, et al. v. Nielsen, et al.*, and *State of New York, et al. v. Trump, et al.*

**February 26, 2018:** The U.S. Supreme Court declines to hear a direct appeal of the January 9 district court ruling in *Regents of the University of California, et al. v. Department of Homeland Security*.

**April 24, 2018:** Judge John D. Bates of U.S. District Court for the District of Columbia says in a ruling that the Trump administration “failed adequately to explain its conclusion that (DACA) was unlawful” and orders the government to resume accepting new applications and to continue processing renewal requests. He gives the Department of Homeland Security 90 days to better explain the administration’s basis for rescinding DACA. The cases involved are *NAACP v. Trump, et al.*, and *Trustees of Princeton, et al. v. United States of America, et al.*

**May 1, 2018:** Seven states, led by Texas, file a lawsuit, *Texas, et al. v. United States, et al.* in the United States District Court for the Southern District of Texas challenging DACA. The case comes nearly six years after the initiative was put in place. The court transfers the case to Judge Hanen.

**May 8, 2018:** MALDEF files a motion for intervention in *Texas, et al. v. United States, et al.* on behalf of 22 DACA recipients who say they would be inadequately represented by the Trump administration officials named as defendants in the litigation.

**May 15, 2018:** A three-judge panel with the Ninth Circuit Court hears oral argument on whether the Trump administration’s decision to end DACA was arbitrary. The appeal in *Regents of the University of California, et al. v. Department of Homeland Security* follows a January ruling that resulted in a preliminary injunction.

**May 15, 2018:** Judge Hanen grants MALDEF’s motion to intervene in *Texas, et al. v. United States, et al.* on behalf of 22 DACA recipients who argued that they would be inadequately represented by the Trump administration, given the administration’s public opposition to DACA.

**August 3, 2018:** Judge John D. Bates of U.S. District Court for the District of Columbia orders the Trump administration to revive DACA, including accepting new applications and renewals, saying the government’s decision to rescind the initiative was “arbitrary” and “capricious.” In April, Bates gave the government 90-days to explain its legal rationale. Bates’ delays his order until August 23.

**August 8, 2018:** Judge Hanen will hold a hearing in *Texas, et al. v. United States, et al.* to consider a request by Texas for a preliminary injunction to suspend DACA. MALDEF will present oral argument at the hearing on behalf of the 22 defendant-intervenors defending the DACA initiative.

**August 31, 2018:** Judge Hanen denies a request by Texas and nine other states for a [preliminary](#) injunction to block renewals of grants of Deferred Action for Childhood Arrivals (DACA) to hundreds of thousands of young immigrants nationwide.

**November 5, 2018:** The Trump administration seeks review of DACA’s rescission before the U.S. Supreme Court. The administration’s petition for a writ of certiorari marks the second time it has sought to bypass federal courts currently reviewing the administration’s attempt to repeal DACA.

**November 8, 2018:** A three-judge panel with the Ninth Circuit upholds a district court's preliminary injunction in *Regents of the University of California, et al. v. Department of Homeland Security*.

**November 14, 2018:** A federal judge sets a May 2020 trial date for the Texas-led lawsuit challenge to DACA.