

Department of Homeland Security v. Regents of the University of California, Comment: 591 U.S. 1 (2020)

JUDICIAL HISTORY and FACTS:

President Obama used his Executive Authority to create the Deferred Action for Childhood Arrivals program in 2012. The Department of Homeland Security began implementing this temporary program whose main thrust was to defer the deportation of some minors that were brought to the United States when young. In 2017 after President Trump was elected, DACA began to be phased out. The Plaintiff alleged that Trump unconstitutionally exercised his authority through a memorandum to rescind DACA under the Administrative Procedure Act. The Plaintiff sued and said the rescission decision was impulsive and arbitrary. Documents of the stated reasoning of the decision were requested in December 2017. The Court halted the documents release and then laid out rules for accessing the documents in question. In January 2018, it was ordered that DACA renewals remain during the lawsuit because it reasoned that the harm would be irreparable and that there was an unreliable legal premise. The government filed an appeal and then ordered the Ninth Circuit to hear the case. Deadline final decision requests were made but not honored by the Ninth Circuit. Oral arguments ensued nonetheless but they failed to give an answer and the deadline was passed. A decision was reached in November 2018 by the Ninth Circuit to uphold the injunction of DACA. In 2019, the Court granted certiorari.

ISSUES

Is using the Administrative Procedure Act to end DACA constitutional?

Was the decision to end DACA arbitrary?

Should the government meet its obligations to DACA enrollees?

RULES

8 CFR 236.22

USCIS 236.23

Form I-797 Notice of Action

I-821D, Consideration of Deferred Action for Childhood Arrivals

I-765, Application for Employment Authorization

Form I-765WS, Worksheet

ANALYSIS

Immigration is a contentious issue in the United States. Considering the amount of people that come to the United States with a *Entered Without Inspection* status is in the millions. The question that comes into play is not about adults but children, with no fault of their own, is hard to come to consensus with. The DACA program was a “fix” to help get a legal answer to those in a tenuous state of living. The problem that is central is what is fair considering the situation. Unfortunately, there is no easy answer.

HOLDING

The Court determined that rescinding the DACA program was capricious and reversed the order.