



Written by [Warren Mass](#) on August 6, 2018

## Federal Judge: DACA Must Stay

Judge John Bates of the U.S. District Court for the District of Columbia ruled on August 3 that the Department of Homeland Security's September 2017 decision to rescind the Deferred Action for Childhood Arrivals (DACA) program "was both subject to judicial review and arbitrary and capricious.... Consequently, the government's motion to reconsider the Court's April 24, 2018 order will be denied."



Bates did honor the government's request, however, to continue the stay of his order for 20 days "to permit the government to determine whether it intends to appeal the Court's decision and, if so, to seek a stay pending appeal. In all other respects, the Court's April 24, 2018 order will remain in force."

In his April 24 ruling, Bates rejected the administration's reasoning for ending the DACA program. He wrote that the Trump administration actions to cancel DACA were "arbitrary" and "capricious" because the DHS "failed adequately to explain its conclusion [that] the program was unlawful."

Back in April, Bates gave the Trump administration 90 days to challenge the ruling before reinstating DACA in its entirety.

In explaining the rationale behind his decision, Bates wrote that the Court does not hold that DHS lacks the statutory or constitutional authority to rescind the DACA program. Rather, it holds that if DHS wants to rescind the program or to take any other action impacting DACA, "it must give a rational explanation for its decision."

If Bates' ruling goes into effect later this month, the administration will be required to accept new applications from people who meet DACA's eligibility requirements.

We reported in February that Judge Nicholas G. Garaufis of the U.S. District Court for the Eastern District of New York issued an order on February 13 that the administration must accept renewal applications from DACA.

We have written much about DACA and the years-long battle waged for and against it, noting in a 2015 article that the Obama administration had extended amnesty from deportation to 664,607 illegal aliens through the DACA program, which began in 2012.

President Obama initiated DACA with an executive action after Congress failed to pass the Development, Relief, and Education for Alien Minors (DREAM) Act. On June 15, 2012, Obama announced that his administration would stop deporting young illegal immigrants who met certain criteria previously proposed under the DREAM Act.



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