



Written by [Warren Mass](#) on February 14, 2018

Second Federal Judge Orders DACA Renewals Continued

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 Trump administration must accept renewal applications from Deferred Action for Childhood Arrivals (DACA). The ruling, if upheld, means DACA recipients can renew their status, but the administration will not have to keep the program open to those who never applied.



“Defendants [the Trump administration] indisputably can end the DACA program,” Garaufis wrote. “The question before the court is thus not whether defendants could end the DACA program, but whether they offered legally adequate reasons for doing so. Based on its review of the record before it, the court concludes that defendants have not done so.”

Attorney General Jeff Sessions announced last September 5 that the program would end in six months, giving Congress time to find a legislative solution for people enrolled in the program.

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.

A Bloomberg report noted that in his ruling, Garaufis questioned whether Sessions’ views are consistent with those of the Trump administration. He alleged that there is a contradiction between what the attorney general has said and President Trump’s September 5 tweet stating, “Congress now has 6 months to legalize DACA (something the Obama Administration was unable to do). If they can’t, I will revisit this issue!”

Garaufis said, “It is not clear how the President would ‘revisit’ the decision to rescind the DACA program if the DACA program were, as the attorney general has stated, ‘an unconstitutional exercise of authority by the Executive Branch.’” The government has argued in court papers that Trump simply “emphasized the need for legislative action,” however, Garaufis said that argument “is unsupported by the text of the President’s tweet.”

Garaufis is the second federal judge to rule against the Trump administration on DACA. In September 2017, Judge William Alsup of the United States District Court for the Northern District of California was assigned four cases brought by parties suing to halt the administration’s decision to end the DACA program. On December 20, the Supreme Court unanimously issued an opinion urging Judge Alsup to consider arguments by the Trump administration that ending DACA was within executive authority and is not reviewable by federal courts.

On January 9, 2018, Alsup granted a temporary injunction halting the Trump administration’s rescission of DACA.

Prior to Garaufis’ ruling, the DACA program was scheduled to end on March 5. The approaching deadline has played an important factor in negotiations in Congress between Republicans and Democrats over the future of the DACA recipients — the nearly 800,000 young illegal aliens known



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as “Dreamers,” whose work permits are set to expire on that date. On January 24, President Trump announced that he was open to a multiyear path to citizenship for “Dreamers,” but there are conditions to Trump’s offer, however. White House officials said that citizenship for those protected under the DACA program would come only as part of a bargain that included an additional \$25 billion for border security and a crackdown on illegal immigrants, including family members of those already in the United States.

The battle over the administration’s decision to end DACA has been ongoing since the day after Sessions made the announcement to that effect. The attorneys general of 15 states and the District of Columbia — all of whom are Democrats — filed a lawsuit on September 6 in the United States District Court, Eastern District of New York to block the administration from terminating DACA.

However, as a reporter for *Breitbart* noted in a February 14 report, Judge Garaufis’ decision is likely irrelevant. “The Supreme Court will vote this Friday, February 16, whether to take up the California decision on DACA. The justices are almost certain to do so and hear the case on an expedited basis, meaning that a final decision on the matter is expected by the end of June.”

Furthermore, it is curious why — in the face of Trump’s increasing acquiescence on this issue, defenders of DACA even bother to pursue legal action.

We observed in late January that Trump had just made a statement that indicated that his policy for DACA enrollees had evolved considerably since he promised to end DACA while campaigning for the presidency. Trump said, “We’re going to morph into it, it’s going to happen at some point. Over a period of 10 to 12 years, somebody does a great job, they’ve worked hard — it gives incentive to do a great job. But they’ve worked hard, they’ve done terrifically, whether they have a little company or whether they’ve worked or whatever they’re doing, if they do a great job, I think it’s a nice thing to have the incentive of, after a period of years, being able to become a citizen.”

When a reporter asked Trump if he will extend the deadline if a DACA bill doesn’t pass by March 5, the president replied: “Yeah, I might do that,” then adding, “I’m not guaranteeing it.”



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