



DACA Timeline

Deferred Action for Childhood
Arrivals

DACA Timeline – June 2012



- Department of Homeland Security issues a policy memorandum
- Memorandum announces a policy of “exercising prosecutorial discretion with respect to individuals who came to the United States as children
- Young people impacted by DACA are often referred to as “Dreamers”
- Janet Napolitano, *Exercising Prosecutorial Discretion With Respect to Individuals Who Came to the United States as Children*, U.S. DEP'T OF HOMELAND SEC. (June 15, 2012), <https://www.dhs.gov/xlibrary/assets/s1-exercising-prosecutorial-discretion-individuals-who-came-to-us-as-children.pdf>.

DACA Timeline – November 2014



- Secretary of Homeland Security Jeh Johnson announces expansion of “deferred action” impacting 4 million parents of U.S. citizens or permanent residents
- This is referred to as DAPA
- Jeh Charles Johnson, *Exercising Prosecutorial Discretion With Respect to Individuals Who Came to the United States as Children and With Respect to Certain Individuals Who Are the Parents of U.S. Citizens or Permanent Residents*, U. S. DEPAR'T OF HOMELAND SECURITY, (Nov. 20, 2014), https://www.dhs.gov/sites/default/files/publications/14_1120_memo_deferred_action_1.pdf.

DACA Timeline – February 2015



- U.S. v. Texas
- U.S. District Judge Andrew Hanen in Brownsville, Texas, issued a nationwide injunction to prevent the DAPA policy from taking effect.
- Affirmed by 5th cir. (5-4), and SCOTUS (4-4)
- *Texas v. United States*, 787 F.3d 733 (5th Cir. 2015).
- *United States v. Texas*, 138 S. Ct. 2271 (2016).

DACA Timeline – September 2017



- Secretary of Homeland Security Elaine Duke issued a memo announcing the “rescission of Deferred Action for Childhood Arrivals
- Memorandum from Elaine C. Duke, Acting Sec'y of the Dep't of Homeland Sec., to James W. McCament, Acting Dir. U.S. Citizenship & Immigration Servs., et al., *Re Rescission of the June 12, 2012 Memorandum Entitled "Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children"* (Sept. 5, 2017)

DACA Timeline – January 2018



- Dep 't of Homeland Security v. Regents of the University of California
- U.S. District Judge William Alsup in San Francisco issued a nationwide order blocking the Trump administration's repeal of DACA
- Judges in New York and Washington, D.C., later handed down similar orders, and the 9th Circuit Court in San Francisco affirmed Alsup's order in November
- Due to the January 9, 2018 federal court order for preliminary injunction, USCIS announced on January 13, 2018 that the agency, "has resumed accepting requests to renew a grant of deferred action under DACA
- Regents of the U. Cal. v. Dep't Homeland Sec., 279 F. Supp. 3d 1011 (N.D. Cal 2018)

DACA Timeline – June 2019



- The Supreme Court announced it will hear the Trump administration's appeal in three consolidated cases, led by the California case known as Department of Homeland Security vs. Regents of the University of California

DACA Timeline – June 2020



- Dep't of Homeland Security v. Regents of the University of California
- Supreme Court ruled (5-4) that DHS's rescission of DACA violated the Administrative Procedure Act (APA) because the agency did not provide a reasoned explanation for its action
- This decision “restores DACA to its pre-September 5, 2017 status”
- Dep't of Homeland Sec. v. Regents of the Univ. of Cal., 140 S. Ct. 1891 (2020)

DACA Timeline – July 17, 2020



- Casa de Maryland v. U.S. Dep't of Homeland Security
- Judge Paul W. Grimm in the U.S. District Court in Maryland ordered that the Trump administration begin accepting new applicants (prior to this decision USCIS was renewing DACA status but not accepting new applications)

DACA Timeline – July 28, 2020



- Acting Secretary of Homeland Security Chad F. Wolf announced that in response to the Supreme Court’s decision, the Department of Homeland Security will take action to thoughtfully consider the future of the DACA policy, including whether to fully rescind the program.
- Chad F. Wolf , *Reconsideration of the June 15, 2012 Memorandum Entitled “Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children”*, U.S. DEP'T OF HOMELAND SEC. (July 28, 2020), https://www.dhs.gov/sites/default/files/publications/20_0728_s1_daca-reconsideration-memo.pdf

DACA Timeline – November 14, 2020



- *Batalla Vidal v. Wolf*
- Judge Garaufis in the E.D.N.Y. held Wolf was not lawfully serving as the Acting Secretary of Homeland Security when the Wolf Memorandum was issued, because the Department of Homeland Security failed to follow its order of succession, as lawfully designated under the Homeland Security Act.
- *Vidal v. Wolf*, 2020 U.S. Dist. LEXIS 213068 (E.D.N.Y. Nov. 14, 2020)

DACA Timeline – December 4, 2020



- *Batalla Vidal v. Wolf*
- Judge Garaufis in the E.D.N.Y. held that because Wolf was not lawfully serving as the Acting Secretary of Homeland Security when the Wolf Memorandum was issued (per November 14 decision), the Wolf Memorandum is vacated, and DACA is currently governed by its terms “as they existed prior to the attempted rescission of September 2017.”
- *Vidal v. Wolf*, 2020 U.S. Dist. LEXIS 228328 (E.D.N.Y. Dec. 4, 2020)

DACA Timeline – January 20, 2021



- President Biden issues memorandum “Preserving and Fortifying Deferred Action for Children Arrivals”
- The memorandum states the Secretary of Homeland Security, in consultation with the Attorney General, shall take all actions he deems appropriate, consistent with applicable law, to preserve and fortify DACA
- 3 CFR Memorandum of January 20, 2021