

Federal judge in San Francisco temporarily blocks Trump's decision to end DACA program

Los Angeles Times

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January 9, 2018 <http://beta.latimes.com/politics/la-na-pol-trump-daca-20180110-story.html>

A federal judge Tuesday night temporarily blocked the Trump administration's plan to end the program that shields from deportation hundreds of thousands of immigrants who came to the country illegally as children.

The ruling marks a potentially major shift in the heated political battle over the fate of the so-called Dreamers, which has created a months-long deadlock in Congress.

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With his decision, U.S. District Judge William Alsup in San Francisco granted a request by California and other states to stop the administration from ending the Deferred Action for Childhood Arrivals program, at least until lawsuits can play out in court.

Under DACA, which was created by President Obama, about 800,000 young people who came to the U.S. illegally as children have been allowed to live and work legally in the U.S.

In September, with Trump under pressure from officials in several states opposed to DACA, Atty. Gen. Jeff Sessions said the administration would begin winding down the program on March 5. The decision was based on Sessions' opinion that Obama had gone beyond his legal authority in setting up DACA.

That legal opinion was incorrect, the judge said, calling it "a flawed legal premise." He cited decades of previous actions by immigration authorities to provide temporary relief to groups of people who had violated immigration law.

"DACA was and remains a lawful exercise of authority" by immigration officials, wrote Alsup, an appointee of President Clinton.

Trump says he's open to a sweeping immigration deal and is willing to 'take the heat' with his supporters

Because the decision to abandon the program was based on Sessions' incorrect reading of the law, it "must be set aside," he wrote.

"In terminating DACA," the administration "failed to address the 689,800 young people who had come to rely on DACA to live and to work in this country. These individuals had submitted substantial personal identifying information to the government, paid hefty fees, and planned their lives according to the dictates of DACA," the judge wrote.

The DACA recipients would suffer irreparable harm if the program is allowed to end, he added, saying the move "would tear authorized workers from our nation's economy and would prejudice their being able to support themselves and their families, not to mention paying taxes to support our nation."

"Tonight's ruling is a huge step in the right direction," said California Atty. Gen. Xavier Becerra, who helped orchestrate the legal challenge. "America is and has been home to Dreamers who courageously came forward, applied for DACA and did everything the federal government asked of them."

The Trump administration remained defiant.

In a statement, Justice Department spokesman Devin O'Malley said the judge's "order doesn't change the Department of Justice's position on the facts: DACA was implemented unilaterally after Congress declined to extend these benefits to this same group of illegal aliens.... The Department of Homeland Security therefore acted within its lawful authority in deciding to wind down DACA in an orderly manner."

Justice Department officials, O'Malley said, would "continue to vigorously defend this position."

Alsop ordered the administration to start processing applications for renewal of DACA permits and to continue existing ones, maintaining the status quo for all people enrolled in the program at the time of Sessions' announcement.

"I am still shaking," said Jirayut "New" Latthivongskorn, one of the handful of Dreamers named as plaintiffs in the case, who had stopped doing his homework to comb through the court ruling as soon as he heard the news.

Latthivongskorn, now 28, came to San Francisco with his parents from Thailand when he was 9. His family struggled to obtain citizenship and was scammed by a lawyer, he said, obscuring their path to legal status. He is now a medical student at UC San Francisco and completing a dual master's program at Harvard University.

"The key part of this is that we don't let this ruling be seen in a way as an excuse for Congress not to act," he said. "There is no less of an urgency to pass a legislative solution."

The ruling comes as Congress is struggling over how to deal with the fate of the Dreamers as Democrats have balked at signals from Trump and Republicans in Congress that a deal on DACA must be tied to a slew of hard-line reforms on immigration.

Trump convened 20 lawmakers at the White House on Tuesday to discuss DACA and broader immigration reform, but the freewheeling hour-long session did not result in an immediate deal. Instead, Republican and Democratic leaders agreed to meet in days ahead to develop a timeline for producing legislation. But hopes for action this month have dimmed because of the political divisions over the issue.

Trump, himself, has appeared torn over the program. He has repeatedly said that he does not think that the Dreamers should be deported. At the same time, he has faced opposition from his conservative supporters to any steps that appear to involve "amnesty."

The administration's lack of clear direction has left Republican members of Congress stymied.

Rubin reported from Los Angeles, Ulloa from Sacramento and Mascaro from Washington.

Times staff writer John Myers contributed to this report.