

U.S. Supreme Court turns down Trump's appeal in "Dreamers" case

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Immigration activists conduct an act of civil disobedience in the rotunda of the Russell Senate Office Building on February 7, 2018, in Washington, D.C. A coalition of activists from across the U.S. staged the demonstration to pressure Congress to pass legislation protecting "Dreamers" as part of federal budget negotiations. Photo by: John Moore/Getty Images

WASHINGTON, D.C. — The Supreme Court on Monday turned down the Trump administration's plea for a quick ruling on DACA. The program had given temporary protection to immigrants who arrived in the U.S. illegally as children. The decision is considered a significant defeat for President Donald Trump and his power to end protections for the young people.

Trump and his administration were looking for a quick resolution. The court's decision not to hear the administration's appeal immediately could continue a legal shield for the nearly 700,000 young immigrants for the rest of this year, and perhaps longer.

The Justice Department had tried to leapfrog over the U.S. appeals courts in California and New York. The department had asked for an “immediate review” of a nationwide order by U.S. District Judge William Alsup in San Francisco, California. Alsup's order required the government to maintain for now the program started under President Barack Obama known as Deferred Action for Childhood Arrivals, or DACA.

The action the administration sought was rare. It has been nearly 30 years since the Supreme Court granted review of a district judge’s ruling before an appeals court could act. The court said February 26 that it had no interest in following that course in the DACA case.

Trump Administration Request Denied "Without Prejudice"

The justices all agreed in turning down the administration’s request “without prejudice.” That means that the government could return to the high court after the appeals court rules.

“It is assumed that the Court of Appeals will proceed expeditiously to decide this case,” the justices noted.

The action by the high court was about the procedure and not a ruling on the details of the case. However, its effect could be significant because it continues Alsup’s nationwide order.

DACA Recipients Called "Dreamers"

Last fall, Trump announced that he would end the DACA program. He gave Congress until March 5 to pass legislation to resolve the legal standing of DACA recipients, who are called "Dreamers."

However, lawmakers have failed to agree on new legislation. Last week, the Senate considered four proposals to change the immigration laws, but could not get the required 60 votes to proceed on any of them.

Trump’s March 5 deadline is essentially dead while the nationwide court order is in place. In their appeal to the high court, administration lawyers said the order would likely last well into 2019 if the appeals run their normal course.

No High Court Ruling On Issue Expected Soon

Even if the court of appeals does act quickly, as the justices suggested, a ruling would be unlikely before summer. That would mean the earliest the case could return to the Supreme Court would be in the fall. A ruling could be possible by the end of 2019.

That’s assuming a speedy path for the case. A scenario in which the case doesn’t return to the high court until a year from now is also possible.

Congress could change the situation at any time, but it would need to agree on a new law.

After Alsup issued his order in January, U.S. Solicitor General Noel Francisco surprised many by not asking the Supreme Court to grant a stay. The order would have been put on hold if a stay had been granted. Francisco said a stay would result in a sudden shift in the enforcement plan, while the administration favored an “orderly wind-down” of the DACA plan.

Legal Wrangling Over "Dreamers"

Instead, Francisco insisted the high court should review Alsup’s opinion and hear arguments in the spring. Then it should reverse the judge’s decision in a written ruling, he said.

Francisco wrote that the district judge’s order requires the government to support nearly 700,000 “aliens” breaking federal law. He was referring to the young immigrants brought to the U.S. without permission. Many of these young people did not choose to come illegally. They were brought to the U.S. by their parents as very young children.

To apply, they must have been younger than 31 on June 15, 2012, when the program began. They also must be “undocumented,” meaning they are not legally on record as official immigrants.

To be a Dreamer, one must have arrived in the U.S. before turning 16 and lived here continuously since June 2007.

In his ruling, Alsup said Trump’s advisers, led by Attorney General Jeff Sessions, had been wrong. The advisers decided Obama had lacked the authority to extend relief to the Dreamers.

Judge Challenged Trump Administration Order

Alsup agreed that a new administration is allowed to replace old practices with new ones, but concluded that Sessions’ legal argument was flawed. He said it could not serve as a basis for ending DACA now.

Alsup’s order required the administration to maintain the DACA program across the country. However, he said his order would not interfere with national security. The order would not keep federal authorities from “removing any individual, including any DACA enrollee, who it determines poses a risk to national security or public safety,” he said.

The administration filed an appeal in the U.S. 9th Circuit Court of Appeals, based in San Francisco, but Francisco went directly to the Supreme Court to seek a quick reversal.

Last week, while the justices were considering the matter, a second district judge in New York handed down another order. It also blocked the administration from winding down the DACA program.