



Update on DACA after the August 31, 2018 Court Decision in *Texas v. U.S.*

What is this case about?

In May 2018, almost six years after DACA began, Texas filed a multi-state lawsuit, *Texas v. U.S.* against the federal government. The *Texas* lawsuit seeks to end DACA and declare DACA illegal. Because the Trump Administration will not defend DACA and seeks to end it, MALDEF represents 22 DACA recipients who have entered the case to defend DACA. The first thing that Texas and the other plaintiff states asked of the court was to block DACA immediately (this is known as a preliminary injunction).

What did the court decide on August 31st?

Judge Andrew Hanen denied Texas's request for a preliminary injunction. This means that DACA is not blocked. Other courts around the country have ordered DACA to continue for renewals. As a result, DACA continues to be in effect for renewals.

What happens next for DACA?

The question whether DACA is legal, and whether the Trump Administration properly announced a phase-out of DACA in September 2017, is still moving through federal courts around the country. Although DACA continues to be in effect for renewals, the lawsuits are likely to go to the U.S. Supreme Court for a final decision on DACA.

What should I do if I have DACA?

If your work permit expires in one year or less, MALDEF recommends you submit your renewal application now.

What happens next in the *Texas v. US* case?

Texas and the other states challenging DACA are likely to appeal to the U.S. Court of Appeals for the Fifth Circuit, which will review Judge Hanen's decision.

Judge Hanen concluded that even if Texas and the other challenger states “may ultimately prevail and prove [that DACA is illegal], given the delay in confronting DACA, and given that the interests of the Defendant-Intervenors and the public outweigh those of the Plaintiff States, the Court denies the request for preliminary relief.” (Opinion at 115).

Judge Hanen ruled in our favor on three of the four elements of the preliminary injunction test which is enough for the Fifth Circuit to affirm this ruling on appeal. It is also important to note that we have strong arguments about the legality of DACA. If Texas appeals, the Fifth Circuit will take a fresh look at our legal arguments.

Where can I read the decision for myself?

You can access the decision here:

https://www.maldef.org/news/releases/2018_08_31_MALDEF_Statements_on_DACA_Ruling/