

Supreme Court ruling grants reprieve to DACA recipients

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WASHINGTON (BP)—The U.S. Supreme Court ruled the Trump administration acted in an “arbitrary and capricious” way in rescinding a program for undocumented immigrants brought to the United States as children.

The 5-4 decision, handed down June 18, blocked the Trump administration’s efforts to “wind down” the Deferred Action for Childhood Arrivals program, created by President Barack Obama in 2012 to shield qualified young immigrants from deportation.

Faith leaders generally hailed the reprieve the ruling temporarily granted DACA recipients but pointed to the need for a long-term solution

Writing for the majority, Chief Justice John Roberts stated the decision did not prohibit the federal government from rescinding the program. Rather, the court ruled that the procedures the Department of Homeland Security followed were improper.

The justices’ reasoning in the decision means the Trump administration or another administration could still end DACA by doing so in a way that gains the Supreme Court’s approval.

‘Much-needed reprieve’

Samuel Rodriguez, head of the National Hispanic Christian Leadership Conference and a spiritual adviser to President Donald Trump, praised the decision.

“Today’s Supreme Court decision gives a much-needed reprieve to the many DACA recipients in our churches and communities who have been stuck in legal limbo waiting for our nation to recognize that America is their rightful home,” he stated. “I celebrate this victory with these young men and women and their families. They are a blessing, not a curse, to our nation.”

However, Rodriguez also criticized Congress for not writing the program into law.

“Yet we cannot lose sight of what’s really not working here: this was the job of Congress, not the executive or judicial branch,” he said. “It’s time for Congress to do their job and to fix our broken immigration system.”



Russell Moore

Southern Baptist ethicist Russell Moore likewise called on Congress to act to solve the problem.

Dreamers, a label that stems from the name of a bill introduced to protect this category of immigrants, “are not an abstraction,” said Moore, president of the Ethics & Religious Liberty Commission.

“They are people created in the image of God, who were brought here as children by their parents. Their entire lives are at stake right now,” Moore said.

The justices' opinion "might address an immediate question of administrative law, but it does not, ultimately, protect our vulnerable neighbors," he said. "There is no sending these people 'back'—in many cases they have no memory at all of the land of their parents' origin.

"Those who have lived as good neighbors, contributed so greatly to our country, should be protected from the constant threat of having their lives upended. Congress should move immediately to protect our Dreamer neighbors."

'Create a pathway' to permanent status

The Evangelical Immigration Table called for a legislative fix in a letter sent to Congress after the opinion's release. The evangelical leaders asked congressional members "to act quickly and on a bipartisan basis to pass legislation to create a pathway for those who arrived in the U.S. as children and who meet other necessary and appropriate qualifications to earn permanent legal status and, eventually, citizenship."



Sen. James
Lankford

Sen. James Lankford, R-Okla., a Southern Baptist, has called for Congress to provide a solution for Dreamers, but he said the Supreme Court's decision could make it more difficult.

The high court "has returned to Congress an even bigger mess while

creating a long-term problem for any president responding to any previous executive action,” Lankford stated.

Congress “should address DACA in law, but now this decision—and the way it is written—leaves the long-term solutions for DACA recipients even more in limbo,” he said.

‘Arbitrary and capricious ‘action

Members of Congress proposed the Development, Relief and Education for Alien Minors (DREAM) Act for the first time in 2001. The measure gained reintroduction several times thereafter without being passed.

After more than a decade of congressional failures, President Obama issued an executive order establishing DACA in 2012. The program provided a two-year window of protection from deportation and made participants eligible for permission to work and other benefits. About 700,000 people participated in the program.

In September 2017, Elaine Duke, acting secretary of the Department of Homeland Security, issued a memorandum rescinding DACA.

In the majority opinion, Roberts said Homeland Security violated the Administrative Procedure Act, which governs the manner in which federal agencies establish and issue rules. The act requires agency rule-making not be “arbitrary and capricious.”

The 2017 memo from Homeland Security failed to address the legality of “forbearance”—protecting DACA participants from deportation—and therefore was “arbitrary and capricious,” he said.

“We do not decide whether DACA or its rescission are sound policies,” Roberts wrote. “We address only whether the agency complied with the procedural requirement that it provide a reasoned explanation for its

action. Here the agency failed to consider the conspicuous issues of whether to retain forbearance and what if anything to do about the hardship to DACA recipients. The appropriate recourse is therefore to remand to DHS so that it may consider the problem anew.”

In dissent, Associate Justice Clarence Thomas said DACA “was unlawful from its inception.” Associate justices Samuel Alito, Neil Gorsuch and Brett Kavanaugh dissented along with Thomas.

Joining Roberts in the majority were associate justices Ruth Bader Ginsburg; Stephen Breyer; Sonia Sotomayor; and Elena Kagan.

Most Americans support DACA

In 2011, messengers to the Southern Baptist Convention annual meeting approved a resolution on immigration reform that urged the government to make a priority of border security and hold businesses accountable in their hiring.

It also requested public officials establish after securing the borders “a just and compassionate path to legal status, with appropriate restitutionary measures, for those undocumented immigrants already living in our country.” It specified the resolution was not to be interpreted as supporting amnesty.

At the 2018 annual meeting, messengers again requested reform that secures the borders and provides a pathway to legal status “with appropriate restitutionary measures.” The resolution also calls for “maintaining the priority of family unity.”

According to a 2019 survey from the Public Religion Research Institute, majorities of almost every major religious group support DACA. Religiously unaffiliated Americans were the most supportive (75 percent), followed by

Hispanic Catholics (72 percent), white mainline Christians (63 percent), black Protestants (61 percent) and white Catholics (53 percent). Only white evangelical Protestants did not exhibit majority support for the program, with 44 percent backing it in the survey. According to the survey, 63 percent of Americans support the program overall.

With additional reporting from Religion News Service.