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A person sitting cross-legged holds a sign that says "Our dreams are not illegal," while next to

Deferred Action for Childhood Arrivals policy recipient provides water to her one year old son next to another recipient who holds a placard ahead of a hearing on the DACA program outside the federal courthouse in Houston, Texas, U.S., June 1, 2023. A federal judge in Texas ruled Sept. 13 that Biden's version of DACA is illegal but keeps the program in place for current immigrant recipients. (OSV News photo/Adrees Latif, Reuters file photo)



by OSV News

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A federal judge declared unlawful a revised version of a program that offers protection from deportation to certain immigrants brought to the country as children. The program has been in place for more than a decade and has nearly 600,000 recipients.

In his Sept. 13 ruling, Texas-based U.S. District Court Judge Andrew Hanen found that despite President Joe Biden's administration taking measures to strengthen the Deferred Action for Childhood Arrivals program, the deficiencies that led him to declare DACA unlawful in 2021 remain.

"While sympathetic to the predicament of DACA recipients and their families, this Court has expressed its concerns about the legality of the program for some time," Hanen wrote. "The solution for these deficiencies lies with the legislature, not the executive or judicial branches."

First implemented in 2012, the DACA program allows certain undocumented individuals who were brought to the United States as children -- commonly known as "dreamers" -- to be protected from deportation and be eligible to apply for work authorization.

According to U.S. Citizenship and Immigration Services data published at the end of March, the current DACA population included 578,680 recipients. DACA recipients must apply for renewal every two years.

With his decision, Hanen blocked new enrollments to the program, but said the order does not affect those enrolled before the judge's 2021 ruling.

"To be clear, neither this order nor the accompanying supplemental injunction requires the DHS or the Department of Justice to take any immigration, deportation or criminal action against any DACA recipient, applicant, or any other individual that would otherwise not be taken," he wrote.

In the lawsuit that brought about this ruling, Texas and eight other states asked for the program to be stopped and argued that former President Barack Obama -- who created the program by executive order -- did not have the authority to do so.

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Hanen stated that DACA is unlawful and that the rule violated the Administrative Procedure Act, which governs how agencies can make regulations. The Biden administration appealed the judge's decision in July 2021.

In October 2022, the 5th U.S. Circuit Court of Appeals affirmed Hanen's 2021 ruling against DACA, but asked him to review the new regulations published by the Department of Homeland Security. The Sept. 13 decision follows that judgment.

In response to the October 2022 decision, Bishop Mario E. Dorsonville, then chairman of the U.S. Conference of Catholic Bishops' Committee on Migration, issued a statement calling the development "troubling."

He also reaffirmed the committee's "solidarity with the Dreamers of this country whose lives and futures once again hang in the balance."

"We implore Congress, Republicans and Democrats alike, to provide a permanent solution for all Dreamers out of respect for their God-given dignity," he said. "Until we have that solution, each new challenge to the DACA program creates further uncertainty and anguish for hundreds of thousands of people and their families.

"Dreamers are integral members of our communities," he continued. "For many, the United States is the only home they know. But despite their daily contributions to the welfare of our nation, Dreamers are not afforded the same liberties as their native-born neighbors. This is a grave injustice unbefitting a moral society, and it must be remedied without further delay."

The Sept. 13 ruling is expected to be appealed and, ultimately, go to the U.S. Supreme Court -- which would mark the third time the program's fate is before the high court.