



February 26, 2018,

The Supreme Court of the United States denied the administration's request to directly review a January federal court decision partially reinstating the Deferred Action for Childhood Arrival (DACA) program. The federal court decision requires the Department of Homeland Security to accept renewal applications from current DACA recipients, and initial (first-time) applications from DACA recipients whose status has expired. That decision stands. The case will now proceed via the normal process to the Ninth Circuit Court of Appeals and is unlikely to reach the Supreme Court until its next term beginning in October.

In mid-February, a second federal court reinstated the DACA program on similar grounds. That case will proceed to the Second Circuit Court of Appeals for Review.

While these court decisions reinstate the DACA program, they do not provide a long-term solution for Dreamers. At issue in these cases is not whether ending the DACA program was lawful, but rather whether the administration went about it in a lawful way. If the administration's judicial appeals are unsuccessful, it could nonetheless seek to end the DACA program again by a process that meets legal requirements. For this reason, DACA recipients whose status expires in the next 150 days are encouraged to renew immediately.

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