



U.S. Department of
Homeland Security

Rescission Of Deferred Action For Childhood Arrivals (DACA)

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WASHINGTON - Today, the Department of Homeland Security (DHS) initiated the orderly wind down of the program known as Deferred Action for Childhood Arrivals (DACA).

"This Administration's decision to terminate DACA was not taken lightly. The Department of Justice has carefully evaluated the program's Constitutionality and determined it conflicts with our existing immigration laws," said Acting Secretary Elaine Duke. "As a result of recent litigation, we were faced with two options: wind the program down in an orderly fashion that protects beneficiaries in the near-term while working with Congress to pass legislation; or allow the judiciary to potentially shut the program down completely and immediately. We chose the least disruptive option."

On June 29, the attorneys general of Texas and several other states sent a letter to U.S. Attorney General Jeff Sessions asserting that the DACA program is unlawful for the same reasons stated in the Fifth Circuit and district court opinions regarding an expansion of the DACA program and the now-rescinded program known as Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA). The letter noted that if DHS did not rescind the June 2012 DACA memo by September 5, 2017, the states would seek to amend the DAPA lawsuit to include a challenge to DACA.

Yesterday, [Attorney General Sessions sent a letter to Acting Secretary Duke](https://www.dhs.gov/publication/letter-attorney-general-sessions-acting-secretary-duke-rescission-daca) (<https://www.dhs.gov/publication/letter-attorney-general-sessions-acting-secretary-duke-rescission-daca>) articulating his legal determination that DACA "was effectuated by the previous administration through executive action, without proper statutory authority and with no established end-date, after Congress' repeated rejection of proposed legislation that would

have accomplished a similar result. Such an open-ended circumvention of immigration laws was an unconstitutional exercise of authority by the Executive Branch." The letter further stated that because DACA "has the same legal and constitutional defects that the courts recognized as to DAPA, it is likely that potentially imminent litigation would yield similar results with respect to DACA." Nevertheless, in light of the administrative complexities associated with ending the program, he recommended that the Department wind down the program in an efficient and orderly fashion, and his office has reviewed the terms on which the Department will do so.

Based on guidance from Attorney General Sessions, Acting Secretary Elaine Duke today issued a memo formally rescinding the June 15, 2012 memorandum that created DACA, and initiating an orderly wind down of the program. This process will limit disruption to current DACA beneficiaries while providing time for Congress to seek a legislative solution. The details are contained in Acting Secretary Duke's September 5 [memorandum](#) (<https://www.dhs.gov/news/2017/09/05/memorandum-rescission-daca>) . and in our [Frequently Asked Questions](#) (<https://www.dhs.gov/news/2017/09/05/frequently-asked-questions-rescission-deferred-action-childhood-arrivals-daca>) •

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