

US Supreme Court Rules for Dreamers

By [Stephen Lendman](#)

Global Research, June 20, 2020

Region: [USA](#)

Theme: [Law and Justice](#)

From inception, “America the beautiful” was and remains pure fantasy.

Throughout US history, its “lamp beside the golden door (alone welcomed) huddled masses yearning to breathe free” of the “right” race, ethnicity, and religion.

The welcome mat for people of color, the “wrong” nationality, and “wrong” religion was never out — other than for indentured servitude to corporate America and its privileged class.

That said, Deferred Action for Childhood Arrivals (DACA) immigration policy (2012) lets undocumented immigrants entering America as minors receive renewable deferred action from deportation, along with work permit eligibility.

So-called “Dreamers” were earlier estimated to number around 1.7 million, undocumented immigrants entering America before age-16 prior to June 2007.

Today the number is around 700,000.

Eligibility to stay in the US requires they be in school, have graduated from high school, or received an honorable discharge from the military.

Anyone convicted of a felony or serious misdemeanor is ineligible. So are individuals considered a threat to national security.

DACA excludes a path to citizenship and eligibility for federal welfare or student aid.

In September 2017, Trump rescinded DACA immigration policy.

Federal District Court Judge William Alsup ruled against his move.

Lawyers for DACA’s continuation argued that ending the program would cause “serious, irreparable harm” to affected individuals, adding:

“DACA covers a class of immigrants whose presence, seemingly all agree, pose the least, if any, threat and allows them to sign up for honest labor on the condition of continued good behavior.”

“This has become an important program for DACA recipients and their families, for the employers who hire them, for our tax treasuries, and for our economy.”

Throughout his tenure, Trump’s immigration policy has been and remains all about keeping individuals from the “wrong” countries out of the US.

He wants Dreamers and their family members deported, tougher asylum and refugee status standards, expedited deportations, sanctuary cities made ineligible for federal funds, visa overstays ended, limiting green cards for spouses and minor children of legal immigrants, and other policies that close the “golden door” to unwanted immigrants.

In October 2017, the ACLU sued “to hold the (Trump regime accountable to earlier) promises it made and ensure that DACA provides protection from deportation for however long the program exists, adding:

No one should “be stripped of a benefit as important as DACA without basic due process protections.”

“The Trump (regime’s) arbitrary decision to end the program makes it clear that we cannot leave these young people’s fate to whoever happens to be sitting in the White House.”

On Thursday, the US Supreme Court ruled by a 5 - 4 majority against Trump’s intention to end DACA.

Writing for the majority, Chief Justice John Roberts said the Trump regime’s policy to end the program violated the federal Administrative Procedure Act (APA, 1946).

It’s “(a)n Act to improve the administration of justice by prescribing fair administrative procedure(s)” — granting federal courts oversight over government agency actions.

Majority justices also included Ruth Bader Ginsburg, Stephen Breyer, Sonia Sotomayor and Elena Kagan.

Dissenting justices included Neil Gorsuch, Samuel Alito, Brett Kavanaugh, and Clarence Thomas.

Writing for the dissenters, Thomas called the ruling political, not legal.

Trump lashed out at the ruling in typical Trumpian fashion, tweeting:

“These horrible & politically charged decisions coming out of the Supreme Court are shotgun blasts into the face of people that are proud to call themselves Republicans or Conservatives (sic).”

“We need more Justices or we will lose our 2nd. Amendment & everything else.”

“Do you get the impression that the Supreme Court doesn’t like me?”

“(W)e need NEW JUSTICES of the Supreme Court.”

Specifically, Roberts said the following in ruling against Trump on DACA:

The Trump regime “failed to consider the conspicuous issues of whether to retain forbearance and what if anything to do about the hardship to DACA recipients,” adding:

“That...failure raises doubts about whether (it) appreciated the scope of its

discretion or exercised that discretion in a reasonable manner.”

“We (Court justices) do not decide whether DACA or its rescission are sound policies.”

“The wisdom of those decisions is none of our concern.”

“Here we address only whether the (Trump regime) complied with (APA) procedural requirements that insist on ‘a reasoned explanation for its action.’ ”

Sweepingly declaring “Dreamers” illegal constitutes “an open-ended circumvention of immigration laws...an unconstitutional exercise of authority by the executive branch.”

The decision to end DACA was “arbitrary and capricious.”

At the same time, all nine justices agreed that the executive branch has authority to rescind DACA on its own — as long as no federal law is breached.

Thursday’s Supreme Court ruling by no means resolves this issue.

DACA remains potentially jeopardized by revised White House policy that complies with APA.

It’s unlikely in an election year at a time of Trump’s declining popularity, economic collapse, increasing COVID-19 outbreaks in many states, and unprecedented unemployment.

From now to November, he’ll no doubt focus mainly on improving his reelection chances.

According to immigration law expert/Law Professor Stephen Yale-Loehr, “(i)t’s not remotely possible (for Trump to challenge Thursday’s Supreme Court ruling) before the election.”

“But if (he’s) reelected, he almost certainly will try again” to abolish DACA.

Ahead of Thursday’s ruling, around 200 major US corporations filed amicus briefs in support of DACA — with no altruistic motives in mind, concerned only about the availability of cheap labor sources to exploit.

A Final Comment

In response to Thursday’s ruling, California Attorney General Xavier Becerra said the following:

“Ending DACA would have been cruel to the hundreds of thousands of Dreamers who call America home, and it would have been bad for our nation’s health.”

“The highest court in our land saw through the Trump (regime’s) illegal, baseless excuses.”

Separately, an amicus brief by attorneys in support of Dreamers explained that 27,000 of their numbers are vitally needed healthcare workers.

Another 200 are practicing physicians, medical residents and students.

Terminating DACA would be “catastrophic” to efforts involved in containing and treating outbreaks, they argued.

*

Note to readers: please click the share buttons below. Forward this article to your email lists. Crosspost on your blog site, internet forums. etc.

Award-winning author Stephen Lendman lives in Chicago. He can be reached at lendmanstephen@sbcglobal.net. He is a Research Associate of the Centre for Research on Globalization (CRG)

His new book as editor and contributor is titled “Flashpoint in Ukraine: US Drive for Hegemony Risks WW III.”

<http://www.claritypress.com/LendmanIII.html>

Visit his blog site at sjlendman.blogspot.com.

The original source of this article is Global Research
Copyright © [Stephen Lendman](#), Global Research, 2020

[Comment on Global Research Articles on our Facebook page](#)

[Become a Member of Global Research](#)

Articles by: [Stephen Lendman](#)

About the author:

Stephen Lendman lives in Chicago. He can be reached at lendmanstephen@sbcglobal.net. His new book as editor and contributor is titled "Flashpoint in Ukraine: US Drive for Hegemony Risks WW III."

<http://www.claritypress.com/LendmanIII.html> Visit his blog site at sjlendman.blogspot.com. Listen to cutting-edge discussions with distinguished guests on the Progressive Radio News Hour on the Progressive Radio Network. It airs three times weekly: live on Sundays at 1PM Central time plus two prerecorded archived programs.

Disclaimer: The contents of this article are of sole responsibility of the author(s). The Centre for Research on Globalization will not be responsible for any inaccurate or incorrect statement in this article. The Centre of Research on Globalization grants permission to cross-post Global Research articles on community internet sites as long the source and copyright are acknowledged together with a hyperlink to the original Global Research article. For publication of Global Research articles in print or other forms including commercial internet sites, contact: publications@globalresearch.ca

www.globalresearch.ca contains copyrighted material the use of which has not always been specifically authorized by the copyright owner. We are making such material available to our readers under the provisions of "fair use" in an effort to advance

a better understanding of political, economic and social issues. The material on this site is distributed without profit to those who have expressed a prior interest in receiving it for research and educational purposes. If you wish to use copyrighted material for purposes other than "fair use" you must request permission from the copyright owner.

For media inquiries: publications@globalresearch.ca