



July 21, 2016

### **The U.S. Commission on Civil Rights Expresses Disappointment on the U.S. Supreme Court's Ruling on the DAPA and DACA Case**

Washington, DC -- The U.S. Commission on Civil Rights joins President Obama and other civil rights groups in expressing our deep disappointment that the U.S. Supreme Court deadlocked 4-4 in *United States v. Texas*, regarding the matters of Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) and an expanded Deferred Action for Childhood Arrivals (DACA), thus leaving the underlying injunction against DAPA and expanded DACA in place.<sup>1</sup> We remain hopeful, however, that this is only a temporary setback, and that the movement for responsible immigration reform will persevere.

Current data suggests that about 11 million unauthorized immigrants live in the shadows in the United States.<sup>2</sup> A vast majority of these immigrants live in our neighborhoods, work in our communities, attend our schools, and follow our laws. We must establish compassionate pathways to permit unauthorized immigrants to continue their contributions to our country without fear of immediate deportation.

President Obama's Executive Action at issue before the Court would have expanded DACA to cover more of the immigrants who were brought to the U.S. as children and have lived their entire lives as Americans, children often referred to as the "DREAMers;" it also developed DAPA to provide temporary relief from deportation to the parents of DACA recipients.<sup>3</sup> Despite the precedent for the President's Executive Action,<sup>4</sup> 26 states sued the federal government and an injunction was issued, thereby preventing the implementation of sensible immigration

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<sup>1</sup> *United States v. Texas*, U.S. 579 U.S. \_\_\_\_ (2016).

<sup>2</sup> Haeyoun Park & Alicia Parlapiano, *Supreme Court's Decision on Immigration Case Affects Millions of Unauthorized Immigrants*, N.Y. TIMES, June 23, 2016, [http://www.nytimes.com/interactive/2016/06/22/us/who-is-affected-by-supreme-court-decision-on-immigration.html?\\_r=0](http://www.nytimes.com/interactive/2016/06/22/us/who-is-affected-by-supreme-court-decision-on-immigration.html?_r=0) (it is estimated that the President's Executive Action would have provided relief to half of this unauthorized immigrant population.).

<sup>3</sup> *Id.*

<sup>4</sup> Josh Voorhees, *The President's Precedents*, SLATE, Nov. 20, 2014, [http://www.slate.com/articles/news\\_and\\_politics/politics/2014/11/obama\\_s\\_immigration\\_precedents\\_obama\\_won\\_t\\_be\\_the\\_first\\_executive\\_to\\_go.html](http://www.slate.com/articles/news_and_politics/politics/2014/11/obama_s_immigration_precedents_obama_won_t_be_the_first_executive_to_go.html).

reform.<sup>5</sup> The Supreme Court's tie decision, which left the lower court's injunction in place, is merely another roadblock the Obama Administration has faced in reforming the nation's immigration laws.

The Commission commended the President's Executive Action when he issued it in November of 2014,<sup>6</sup> and today laments the Supreme Court's decision leaving the lower court's injunction of DAPA and DACA expansion in place. Nevertheless, we must remain motivated so that when the case returns to a *full* Supreme Court, necessary immigration reform will prevail. We therefore urge the Administration and Department of Justice to move forward with trying the case on its merits.

Commission Chair Martin R. Castro stated, "The Supreme Court's deadlock continues to keep the doors of this country locked to young people and their families who are American in every way, except on paper. It also reminds us of the urgent need to confirm a ninth Supreme Court justice and for Congress to pass Comprehensive Immigration Reform. We encourage DACA eligible individuals to continue to apply for the protections of that program while we await a decision from the lower courts on the DAPA and expanded DACA."

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The U.S. Commission on Civil Rights is an independent, bipartisan agency charged with advising the President and Congress on civil rights matters and issuing a federal civil rights enforcement report. For information about the Commission, please visit <http://www.usccr.gov> and follow us on Twitter: <https://twitter.com/USCCRgov>

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<sup>5</sup> Adam Liptak and Michael D. Shear, *Supreme Court to Hear Challenge to Obama Immigration Actions*, N.Y. TIMES, Jan. 19, 2016, [http://www.nytimes.com/2016/01/20/us/politics/supreme-court-to-hear-challenge-to-obama-immigration-actions.html?\\_r=0](http://www.nytimes.com/2016/01/20/us/politics/supreme-court-to-hear-challenge-to-obama-immigration-actions.html?_r=0).

<sup>6</sup> U.S. Commission on Civil Rights Commends President Obama on Issuance of Immigration Accountability Executive Action, PR NEWSWIRE, Nov. 21, 2014, <http://www.prnewswire.com/news-releases/us-commission-on-civil-rights-commends-president-obama-on-issuance-of-immigration-accountability-executive-action-283506841.html>.