

Trump administration withdraws Obama order protecting immigrant parents of US children

By Josh Varlin
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John Kelly, the Trump administration's secretary of homeland security, issued a memorandum on Thursday ending the Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) program. The DAPA program, which was blocked in the courts and never implemented, would have protected the undocumented immigrant parents of US citizens and legal permanent residents from deportation, provided they had been in the country since 2010 and had no criminal record.

The memo also quietly mentioned that “[t]he June 15, 2012 memorandum that created the Deferred Action for Childhood Arrivals (DACA) program will remain in effect.” In other words, on the fifth anniversary of the DACA program, which protects undocumented immigrants brought to the US as young children from deportation, the Trump administration announced that it will not end the program—for now.

The DAPA program, announced in a 2014 Obama administration memo, would have granted work permits and reprieves from deportation to some 4 million adults. The *New York Times* noted at the time that “more than 10 million people live in households with at least one potentially DAPA-eligible adult,” with “two-thirds of these adults [having] lived in the United States for at least 10 years.”

Deporting all of the 4 million people eligible for the now-canceled program would be an immense and horrific undertaking, requiring a vast expansion of the Gestapo-like Immigration and Customs Enforcement (ICE) agency. Some 10 million people would lose a father, mother, grandparent or other close family member—most of whom would be sent to a country they have not lived in for over a decade, possibly with the

threat of imminent death.

Recent immigration raids on Iraqi nationals from minority groups—mostly Kurds and Chaldean Catholics—indicate that the Trump administration is engaged in deporting hundreds of persecuted minorities to active war zones.

Shortly after the 2014 memo announcing the DAPA program, 27 states, led by Texas, sued the Obama administration seeking to block it. United States District Judge Andrew S. Hanen, a right-wing, anti-immigrant judge appointed by President George W. Bush, issued a preliminary injunction against DAPA while the case wound its way through the courts.

The case, *United States v. Texas*, eventually was heard by the Supreme Court, which, in the absence of deceased Associate Justice Antonin Scalia, was split 4-4. This divided ruling upheld a lower court's injunction against DAPA.

Kelly's memo withdrawing DAPA referenced the program's tortured legal history, claiming that the Department of Homeland Security was “rescinding the November 20, 2014 memorandum that created the program [DAPA] ... because there is no credible path forward to litigate the currently enjoined policy.”

When he was campaigning for the presidency, Donald Trump promised to “immediately terminate” DAPA and DACA, which he described as “President Obama's two illegal executive amnesties.” In part of keeping up the myth that his xenophobic crackdown is directed at “criminal aliens,” however, Trump has occasionally expressed sympathy for those covered by DACA, referred to as “DREAMers.”

In February, Trump said: “DACA is a very, very

difficult subject for me. You have these incredible kids, in many cases not in all cases. In some of the cases they're having DACA and they're gang members and they're drug dealers too. But you have some absolutely incredible kids ... they were brought here in such a way, it's a very, very tough subject."

Because DACA and DAPA were implemented by executive memoranda and not legislation, it would have been possible for Trump to unilaterally end the programs "on day one." The anti-immigrant NumbersUSA group has denounced the failure of the administration to axe DACA immediately as something of a betrayal. NumbersUSA President Roy Beck said, "We regard this as being a really clearly broken promise. ... this was an executive order, so he can stop it."

Nevertheless, the end of DAPA was the occasion for the fascistic ultra-right to crow that so-called "anchor babies"—American-born children of undocumented immigrant parents—could not stop their fathers and mothers from being torn away and deported.

Kelly's memo in many ways maintains the immigration status quo, at least as far as DACA and DAPA are concerned. It ended the DAPA program that had not been put into effect and left in place DACA, under which hundreds of thousands of youth have registered and sought the right to work and go to school. In part this speaks to the fact that the anti-immigrant infrastructure is likely already operating at full capacity, and that it will take some time to expand the number of ICE agents and immigration camps to the point where a crackdown on DACA enrollees can commence.

However, the Trump administration's anti-immigrant agenda is so deeply unpopular that there is likely concern that revoking DACA now would provoke an explosion. The deportation of Juan Manuel Montes, a 23-year-old Mexican national who was brought to the US when he was only nine and was a DACA enrollee, was highly controversial.

If Trump decides to follow through with his barbaric promise to end DACA, he will find that the federal government has the fingerprints and addresses of 750,000 enrollees to facilitate in their deportation, as Obama refused to shield them from later deportation if DACA is revoked, either by issuing an across-the-board presidential pardon or instructing ICE

to erase its database of DACA enrollees.

Lorella Praeli, director of immigration policy and campaigns at the American Civil Liberties Union, said of the memo, "The only certainty in Trump's America is uncertainty—and no memorandum changes that. They're trying to distract us with their back-and-forth on DACA as their mass deportation machine proceeds full speed ahead."

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