

## Migration

# US Supreme Court definitively shuts the door on Obama's immigration initiative

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- With a tied vote of four in favour and four against, the US Supreme Court resolved affirmative action to block President Obama's executive actions known as DAPA and DACA 2.0, which would have benefited nearly four million undocumented immigrants living in the country.
- Nearly 3.6 million undocumented immigrants who are parents of US citizens or permanent legal residents, and 300,000 new "DREAMers" could have qualified for this relief and obtained documents allowing them to live and work in the US without being subject to deportation.
- The original DACA, from which around 750,000 young people have benefited, remains in force and unchanged.
- The results of the US elections in November will be crucial for the future of the nearly 12 million undocumented immigrants and for any comprehensive immigration reform.

In June 23<sup>rd</sup>, the US Supreme Court voted on the appeal lodged by the Obama administration in respect of the injunction issued by a judge preventing the implementation of the executive actions known as DAPA and DACA 2.0, which would have benefited millions of undocumented immigrants in the country.

Some three years ago the Republican-dominated House of Representatives refused to consider the Border Security, Economic Opportunity, and Immigration Modernization bill sent to it by the Senate. This bill included the basic points for a comprehensive reform of immigration law. Faced with this situation, in November 2014 President Obama announced executive measures aimed at halting deportations and providing temporary work permits to undocumented immigrants with children who are US citizens or legal residents, which was known as Deferred Action for Parental Accountability or DAPA.

Additionally, he announced an extension of the Deferred Action for Childhood Arrivals (DACA) programme which means that young people with a certain degree of schooling who arrived in the US as children and have grown up and studied there (known as "DREAMers" (from the abbreviation "DREAM" of the Development Relief and Education for Alien Minors act), cannot be detained and deported unless they commit a criminal offence. This extension of the beneficiaries of the programme was known as DACA 2.0.

The Pew Research Center (PRC) and the Migration Policy Institute (MPI) each independently estimated the number of undocumented immigrants that might benefit from this executive action at 3.9 million and 4 million respectively. The majority of the potential beneficiaries, more than 3.5 million of them, are beneficiaries of DAPA, around half of whom are Mexican immigrants.

In mid-February 2015, the federal administration was ready to start accepting applications for DAPA and DACA 2.0; however just a few days before it started, a coalition of 26 states led by Texas lodged an appeal aimed at halting the implementation of these executive actions. After nearly 16 months of judicial arguments in the respective courts concerning its appeal, today Thursday 23 June the US Supreme Court decided to uphold the suspension of the executive actions in favour of immigrants announced by President Obama, with four votes in favour and four against. Since there was a tied vote, the appeal lodged by the federal government is rejected and the previous ruling upheld.

After the US Supreme Court's resolution, President Obama expresses regret over this final decision, saying that the US is a diverse country formed by immigrants and that part of its strength comes from the dynamism and entrepreneurship contributed by young immigrants. President Obama said that one of the reasons why the Supreme Court was unable to decide appropriately was that the Senate continues to block the ratification of Merrick Garland as a member of the Supreme Court.

Pro-immigrant groups and civil organisations are considering what steps to take in view of this blow to President Obama's immigration initiative. The results of the US elections in November will be of decisive importance for the future of the nearly 12 million undocumented immigrants in the country and of any comprehensive immigration reform.

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