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JUDGE RULES STATES CAN SUE TO PRESERVE DACA

Suit alleges Donald Trump's decision to end the program was motivated, at least in part, by discrimination

By Joe Palazzolo
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New York and 15 other states can sue President Donald Trump to prevent him from **rescinding legal protection** for hundreds of thousands of immigrants who were brought to the U.S. illegally as children, a federal judge in Brooklyn ruled Thursday.

The ruling by U.S. District Judge Nicholas Garaufis amounted to an early victory for the states, though it may ultimately have little bearing on whether their legal challenge succeeds.

The lawsuit alleges that the president's decision to end the program was motivated, at least in part, by discrimination, in violation of the U.S. Constitution's promise of equal protection under the law. Judge Garaufis's ruling established only that states and the District of Columbia have traction to bring most of their claims.

Government lawyers had argued the states would be "incidentally" harmed, at most, by the cancellation of the five-year-old program, which shields about 800,000 immigrants from deportation and grants them work permits, Justice Department lawyers said in court briefs.

Judge Garaufis ruled that the states "amply" showed that Mr. Trump's decision to end the program, Deferred Action for Childhood Arrivals, would harm the states in their capacity as employers and operators of colleges and universities.

Washington state, for instance, said it employed DACA recipients and would have to hire and train new workers if their work authorization were revoked.

The Justice Department continues to maintain that an orderly wind down of DACA is not judicially reviewable," an agency spokesman said Thursday. Agency lawyers had said in court papers that the rescission of DACA amounts to a "classic exercise of enforcement discretion" and denied any discriminatory motivation.

Attorney General Jeff Sessions, who announced the program would be phased out during a September news conference, said DACA wouldn't survive a threatened legal challenge from Texas and others, because the Obama administration had overstepped its authority.

Judge Garaufis flipped that rationale in his ruling Thursday.

"Defendants offer no convincing reason why states should have standing to challenge the DACA program but not to challenge the decision to end that program," Judge Garaufis wrote.

The federal government won some of the argument. Judge Garaufis threw out claims by the states that the federal government failed to give DACA recipients adequate notice of the program's demise.

The states are bringing **their case** alongside DACA recipient Martin Batalla Vidal.

"We look forward to continuing to pursue our case to protect DREAMers and New York's best interests," said a spokeswoman for New York Attorney General Eric Schneiderman.