

# Federal Appeals Court Declares DACA Policy Unconstitutional Ahead of Trump's Inauguration — A Major Blow to Leftist Immigration Agenda

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A federal appeals court has dealt a critical blow to the Deferred Action for Childhood Arrivals (DACA) program, a controversial Obama-era policy that has shielded over half a million illegal immigrants from deportation.

As President-elect Donald Trump prepares to take office, this ruling signals a potential turning point in America's battle against illegal immigration.

The U.S. Court of Appeals for the 5th Circuit upheld a lower court ruling that found the Biden administration's attempt to codify DACA violated U.S. immigration law.

*The decision affirms that the 2012 Obama-era memo, which unilaterally created DACA without congressional approval, was both unconstitutional and a blatant overreach of executive power, **CBS** reported.*

DACA has shielded hundreds of thousands of illegal immigrants from deportation, granting them work permits and legal protections that many argue incentivize further illegal immigration.

These so-called “Dreamers” have enjoyed privileges while law-abiding American taxpayers foot the bill for the consequences of a porous immigration system.

However, according to CBS, the ruling temporarily spares current DACA recipients from immediate deportation but keeps the program closed to new applicants. The news outlet reported:

Friday’s ruling, however, will not immediately change the status quo. By suspending its order, the panel of judges kept DACA alive for current recipients and closed to new applicants, as the program has been operating for the past few years.

While it affirmed the lower court order that voided the Biden administration’s DACA regulation, the 5th Circuit panel narrowed the ruling’s impact, making it applicable only in Texas, the state spearheading the Republican-led lawsuit against the program. The panel paused its ruling as it relates to current DACA beneficiaries, pending another ruling by the 5th Circuit or the Supreme Court, allowing renewals to continue.

The panel also ruled that the deportation deferrals offered by DACA could be legally separated from the work permits that beneficiaries receive, giving the Biden administration a partial victory on its argument that the deportation protections should be left intact if the work authorization provision is struck down.

As of the end of September 2024, there were roughly **538,000** immigrants enrolled in DACA, according to **U.S. Citizenship and Immigration Services**, the agency that oversees the initiative. To qualify for the policy, applicants had to establish they arrived in the U.S. by their 16th birthday and before June 2007; graduated from an American high school or enrolled in the military; and lacked any serious criminal records.