

## JUSTICE NEWS

### Department of Justice

Office of Public Affairs

FOR IMMEDIATE RELEASE

Monday, August 6, 2018

### Attorney General Jeff Sessions Issues Statement on DACA Court Order

Attorney General Jeff Sessions issued the following statement on Friday's Deferred Action for Childhood Arrivals (DACA) order in the U. S. District Court for the District of Columbia:

"We strongly disagree with the district court's decision on Friday in the Deferred Action for Childhood Arrivals (DACA) case. The executive branch's authority to simply rescind a policy, established only by a letter from the Secretary of the Department of Homeland Security, is clearly established. The Department of Justice will take every lawful measure to vindicate the Department of Homeland Security's lawful rescission of DACA.

"The last administration violated its duty to enforce our immigration laws by directing and implementing a categorical, multipronged non-enforcement immigration policy for a massive group of illegal aliens. This wrongful action left DACA open to the same legal challenges that effectively invalidated another program they established—Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA). DAPA's implementation was blocked by the U.S. Court of Appeals for the Fifth Circuit and never entered into effect. These two policies declared by officials of the previous administration—by policy letters only—had been considered by Congress and rejected.

"The Trump Administration's action to withdraw the policy letters simply reestablished the legal policies consistent with the law. Not only did the Trump Administration have the authority to withdraw this guidance letter, it had a duty to do so. As former President Obama previously said, the changes they attempted to effect through this policy letter can only be lawfully achieved by congressional action. The judicial branch has no power to eviscerate the lawful directives of Congress—nor to enjoin the executive branch from enforcing such mandates.

"We have recently witnessed a number of decisions in which courts have improperly used judicial power to steer, enjoin, modify, and direct executive policy. This ignores the wisdom of our Founders and transfers policy making questions from the constitutionally empowered and politically accountable branches to the judicial branch. It also improperly undermines this Administration's ability to protect our nation, its borders, and its citizens. The Trump Administration and this Department of Justice will continue to aggressively defend the executive branch's lawful authority and duty to ensure a lawful system of immigration for our country."

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