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LDF Media
212-965-2200 / media@naacpldf.org

LDF Supports Judicial Review; Identifies Racial Animus in DACA Rescission

The NAACP Legal Defense and Educational Fund, Inc. (LDF) and LatinoJustice PRLDEF filed a [“friend of the court”](#) brief in the United States Supreme Court, defending the essential role of the courts in reviewing policies of the Department of Homeland Security (DHS) tainted by unconstitutional racial discrimination against people of color living in this country.

In 2012, DHS created the Deferred Action for Childhood Arrivals (DACA) program, which protects people brought to this country as children from deportation. DACA was created in recognition that, “certain young people who were brought to this country as children and know only this country as home and that federal immigration laws are not designed to remove productive young people to countries where they may not have lived or speak the language.” Despite the benefits of DACA and its role in allowing nearly 700,000 people – mostly Latinos and persons of Mexican heritage - to come out of the shadows, study and work without fear of removal, DHS decided to end the program in 2017.

The questions before the Supreme Court in this case include whether DHS’s decision to terminate DACA is one that can be reviewed courts and whether that decision is lawful. LDF vigorously maintains that DHS’s decision is reviewable by courts, and the termination of DACA is legally impermissible because it is motivated by racial discrimination against Latinos, reflecting this administration’s pattern of bias against immigrants of color in a variety of contexts.

“Racial discrimination must not infect federal policy judgments. LDF has long stood for the enforcement of the constitutional guarantee of equal protection for all persons and consistently speaks out when those protections are at risk,” said Natasha Merle, LDF Senior Counsel. Merle continues, “The prohibition of racial discrimination in our federal policies is sacred to our democracy. When the federal government runs afoul of the Constitution, including in the immigration context, the court plays a critical role in reviewing those decisions.”

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization and has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes

innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF. Follow LDF on [Twitter](#), [Instagram](#) and [Facebook](#).