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Supreme Court declines government request to speed up review of DACA challenge for now

By [Ariane de Vogue](#), CNN Supreme Court Reporter

Updated 12:56 PM ET, Mon June 3, 2019



Washington (CNN) — The Supreme Court on Monday declined for now a Department of Justice request to consider by the end of the month whether to take up a case concerning the Trump administration's decision to phase out the [Deferred Action for Childhood Arrivals](#) program.

The order is a setback, for now, for the Trump administration, which has been frustrated by lower courts [that have issued nationwide injunctions](#) blocking the government's attempts to wind down the Obama-era program, which protects young undocumented immigrants who came to the United States as children from deportation.

The order does not, however, prevent the possibility that the justices could announce by the end of the term that they will take up one of the pending cases for next term.



Monday's order means it's unlikely, although still possible, that the court will take up the issue before all the lower courts have ruled. So far, the justices have not acted upon the administration's earlier requests to take up the issue.

In 2017, the Trump administration announced it was going to phase out the program, also known as DACA, which it said had been created "without proper statutory authority."

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Related Article: Justice Department asks Supreme Court to move quickly on DACA

recipients who argued that the phase-out violated the Administrative Procedure Act, a federal law that governs how agencies can establish regulations.

Courts agreed and issued nationwide injunctions that allowed renewals in the program to continue, and the Trump administration [appealed a decision by the Ninth Circuit Court of Appeals](#) to the Supreme Court.

At issue before the justices is not the legality of the program, but how the administration decided to wind it down.

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