



# THE INHERENTLY MORAL EXECUTIVE ACTIONS ON IMMIGRATION CANNOT DIE UNDER TRUMP

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The Trump administration is doing its best to kill executive actions that benefit vulnerable noncitizens. In a June 6, 2025 [Policy Alert](#), the administration announced that it would rescind automatic consideration of deferred action for noncitizens classed as Special Immigrant Juveniles (SIJ) who are unable to able for adjustment of status due to visa unavailability. This harsh measure will not only deprive noncitizens classified as SIJ who are trapped in the lengthy EB-4 backlog of work authorization based on deferred action, but may also leave them vulnerable to deportation. By way of justification for its policy, the administration asserts that "Congress... did not expressly permit deferred action and related employment authorization for this population. Neither an alien having an approved Petition for Amerasian, Widow(er), or Special Immigrant (Form I-360) without an immediately available immigrant visa available nor a juvenile court determination relating to the best interest of the SIJ are sufficiently compelling reasons, supported by any existing statute or regulation, to continue to provide a deferred action process for this immigrant category."

In [Tyranny of Priority Dates](#), Gary Endelman and Cyrus Mehta laid the ground work for how executive actions can be used to provide ameliorative relief to millions of noncitizens caught in the crushing backlogs in the legal immigration system. It was unimaginable that the ideas proposed in this groundbreaking article in 2010 would have resulted in actual executive actions, but they did, from the State Department's dual date visa bulletin to deferred action to parole for beneficiaries of approved visa petitions waiting outside the US. Most recently, the USCIS recognized that the filing date in the dual visa bulletin could

protect the age of the child under the Child Status Protection Act, which Cyrus Mehta [recommended](#) in 2021. Even while Trump tries to snuff out executive actions that provide ameliorative relief, the blueprints for different executive actions outlined in Tyranny of Priority Dates can never die, and should be protected and brought to life.

June 15, 2025, marked the 13th anniversary of the [Deferred Action for Childhood Arrivals \(DACA\) program](#). DACA was created in 2012 to offer deportation relief and work permits to young immigrants who were brought to the U.S. as children. While DACA has allowed hundreds of thousands of Dreamers to pursue education and careers, it remains under legal threat, with new applications currently blocked. Still, even if DACA is on a respirator, it allows recipients to continue to live, work, prosper and contribute to America. DACA has transformed for the better the lives of young, undocumented people who came to the U.S. as children. Without this policy, hundreds of thousands wouldn't have accessed higher education, started careers, enjoyed the relative stability to start their families and contributed to the US in myriad ways through their skills and talents. At the same time, with each passing DACA anniversary, there is tremendous uncertainty as the Trump Administration attempted to strip DACA recipients of their protections; an attack on the policy that continues in the courts today. The legal fight will continue into the Supreme Court. Regardless of how the Supreme Court rules on DACA, Congress must step in and provide protection to legal dreamers with a pathway to citizenship. DACA is too precious to be lost and for dreams to shatter.

In a January 20, 2025 [Executive Order](#) entitled "Protecting the American People Against Invasion", the Trump administration purported to remove the ability for immigration officials to exercise prosecutorial discretion. Notwithstanding the executive order, however, prosecutorial discretion as a concept is embedded in our immigration system and can never truly die. Even Trump himself seems to have acknowledged recently that immigration enforcement taken to the most aggressive extremes may have a deleterious impact. The administration has [reportedly](#) asked Immigration and Customs Enforcement (ICE) to "largely pause raids and arrests in the agricultural industry, hotels and restaurants", recognizing that apprehending and detaining immigrant workers in these key industries was likely to harm the U.S. economy and generate a public backlash.

Ameliorative executive actions such as deferred action and parole have long been used by prior administrations to provide ameliorative relief to millions of

vulnerable immigrants left unprotected due to our imperfect immigration laws which Congress has proved incapable of amending over the past few decades. Even if Trump disfavors executive actions that are inherently moral and do good, these concepts will continue to remain blueprints for future enlightened immigrant and immigrant- friendly administrations to re-activate, as well as serving as models for future legislation. In the meantime, today, across the country, people are marching to stand up to abuse of power, unlawful detentions and the cruel and unjust termination of immigration programs. The movement must continue to swell until the Trump administration realizes that being a dictator to immigrants will backfire and will drive him and his minions out of office and into the dustbin of history.

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