




Pete Ricketts
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MEMORANDUM

TO: ALL STATE AGENCIES, BOARDS, AND COMMISSIONS

FROM: GOVERNOR PETE RICKETTS 

DATE: JUNE 16, 2017

RE: DIRECTIVE REGARDING THE U.S. DEPARTMENT OF HOMELAND SECURITY'S JUNE 15, 2017 MEMORANDUM RESCINDING THE DAPA PROGRAM

On June 15, 2017, the United States Department of Homeland Security (“U.S. Department”) Secretary John F. Kelly issued a memorandum rescinding the U.S. Department’s November 20, 2014 memorandum establishing the Deferred Action for Parents of Americans and Legal Permanent Residents (“DAPA”) program. The purpose of this memorandum is to inform agencies of this federal action and clarify impacts for state entities.

DAPA would have provided a path to citizenship for illegal aliens who have a child who is a U.S. citizen or legal permanent resident. Prior to implementation of DAPA, Texas and twenty-five other states, including Nebraska, challenged the U.S. Department’s November 20, 2014 memorandum in the U.S. District Court for the Southern District of Texas. On February 16, 2015, the district court issued a preliminary injunction of the policies announced in the November 20, 2014 memorandum. The Fifth Circuit Court of Appeals affirmed the injunction. On June 23, 2016, an equally divided Supreme Court affirmed the Fifth Circuit’s ruling and the litigation has been pending before the district court.

Because DAPA has been enjoined, the U.S. Department’s decision to rescind the program should not impact the operations of state entities. The Legislature passed, over my objection, LB 623 (2015) and LB 947 (2016), which included expansion of licensure benefits to Deferred Action for Childhood Arrivals (“DACA”) recipients and could have included aliens eligible for DAPA. But, since DAPA has been enjoined, no driver’s licenses, state ID cards, or certain professional and commercial licenses should have been issued to aliens who could have been eligible under DAPA.

The U.S. Department clearly states in its June 15, 2017 memorandum that its decision to rescind DAPA does not affect DACA. The U.S. Department’s June 15, 2012 memorandum establishing the DACA program will remain in effect.

To ensure compliance with the U.S. Department’s memorandum rescinding DAPA, no state entity should be using the policies set out in DAPA as a basis for determining lawful presence. For more information regarding this issue enclosed please find a copy of Secretary Kelly’s June 15, 2017 memorandum.