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APPEALS COURT KEEPS BLOCK OF OBAMA IMMIGRATION PLAN

Decision preserves lower-court hold on White House plan to shield millions from deportation

By Nathan Koppel
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A federal appellate court on Tuesday sided with states challenging the Obama administration's plan to defer deportations for millions of undocumented immigrants.

The administration had appealed a February ruling by U.S. District Judge Andrew Hanen, which temporarily blocked it from proceeding with the president's plan, announced in November, to allow millions of undocumented immigrants to apply to stay in the U.S.

Judge Hanen, based in Brownsville, Texas, sided with officials from 26 largely Republican states who contend that President Obama overstepped his authority when he unilaterally implemented a program that would allow more than four million people in the country illegally to apply for deferred deportation and work authorizations, among other benefits. Under the president's plan, immigrants would have to meet certain criteria, including not posing a security threat and having a child who is a U.S. citizen or lawful permanent resident.

The Fifth U.S. Circuit Court of Appeals in New Orleans declined the administration's request to stay the lower-court injunction and to begin implementing the immigration action while the two sides battle it out in court.

"Because the government is unlikely to succeed on the merits of its appeal of the injunction, we deny the motion for stay," the court ruled.

The Justice Department, which defends suits against the administration, didn't immediately return a call for comment.

In a brief filed earlier with the Fifth Circuit, the Obama administration said Judge Hanen's injunction had undermined the federal government's authority to prioritize which undocumented immigrants to deport. "The Constitution does not entitle states to intrude into the uniquely federal domain of immigration enforcement," the administration said.

Texas Attorney General Ken Paxton, who is leading the suit by the states, commended the ruling on Tuesday.

"This decision is a victory for those committed to preserving the rule of law in America," Mr. Paxton said. "Telling illegal aliens that they are now lawfully present in this country, and awarding them valuable government benefits, is a drastic change in immigration policy. The president's attempt to do this by himself, without a law passed by Congress and without any input from the states, is a remarkable violation of the U.S. Constitution."