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## OBAMA ADMINISTRATION DEALT SETBACK ON IMMIGRATION

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A federal judge's move to temporarily block President Barack Obama's immigration actions encouraged Republican opponents and left in limbo millions of illegal immigrants facing the threat of deportation.

The Obama administration promised to appeal the injunction in the case brought by Texas and officials of 25 other states, who argued that the president overstepped his authority with a November executive action that would offer work permits and safe harbor from deportation to some four million people in the U.S. who met certain criteria.

But while top officials expressed confidence they would ultimately prevail in the courts, Homeland Security Secretary Jeh Johnson said Tuesday that his department, which oversees immigration enforcement, wouldn't accept applications for the programs while the district-court order is in place. The government was set to begin accepting some applications Wednesday.

In Congress, meanwhile, the decision may ease an impasse over immigration that has jeopardized funding for the Homeland Security Department, which expires in less than two weeks, aides and lawmakers said.

The states bringing the suit, led by Republican attorneys general or governors, say the president's immigration actions would cause an increase in the number of undocumented immigrants, forcing them to incur added costs to provide education, health care and other services. The White House has said the executive action falls within the president's legal authority, and it said the U.S. Supreme Court and Congress have recognized executive-branch discretion over enforcing immigration laws. The Justice Department will decide in the coming days whether to seek an emergency stay of the ruling, the White House said.

"I think the law is on our side and history is on our side," Mr. Obama said from the White House Tuesday.

Twelve states and many cities have filed briefs in support of the administration, saying the immigration changes would help stimulate their economies by giving undocumented immigrants greater license to work and remain productive citizens.

Supporters of the immigration program had hoped the case would be quickly dismissed.

But after the decision issued late Monday by U.S. District Judge Andrew Hanen, who was appointed in 2002 by former President George W. Bush, it appears a protracted legal fight lies ahead.

The case hasn't been heard on the merits, and many legal experts predict the administration will ultimately prevail, given long-standing precedent that the federal government has "prosecutorial discretion" to decide who should and shouldn't be deported.

But the temporary injunction indicates the judge thinks the coalition of states has a good shot at prevailing at trial with at least some of its claims.

Judge Hanen's 123-page ruling included scathing criticism of the Obama administration policy and the muscular view of presidential power it embodies. But as a legal matter, the judge found only that the administration's policy, put in place quickly by an executive action, should have been issued in accord with the Administrative Procedure Act.

The 1946 law generally requires federal agencies to publish a proposed regulation, receive and review public comments on the proposal, and then adopt a final version.

"This injunction makes it clear that the president is not a law unto himself, and must work with our elected leaders in Congress and satisfy the courts in a fashion our Founding Fathers envisioned," Texas Attorney General Ken Paxton said in a statement.

Some components of the president's immigration action aren't affected by the ruling. But the temporary injunction puts on hold the most consequential portions: two programs that allow certain undocumented immigrants a temporary reprieve from deportation and the chance to apply for work permits.

The ruling blocks a new program called Deferred Action for Parents of Americans and Lawful Permanent Residents, which was set to take effect in the spring. It would include some four million people who have been in the country since 2010 and have a child who is a U.S. citizen or permanent resident.

The ruling also halts an expansion of the 2012 program called Deferred Action for Childhood Arrivals, known as DACA, which allows relief for people brought to the U.S. as children. The government was set to begin accepting applications for the expansion of that program on Wednesday.

"I was very devastated," said Francisco Dominguez, a 20-year-old in Phoenix who had been planning to apply for the expanded DACA program. He came from Mexico with his parents when he was 5 years old and stayed in the U.S. with his family after their visas expired. "That was the beacon of hope, and then all of a sudden, it hasn't disappeared, but let's just say the light got a little darker."

Judge Hanen's order called for the parties to meet again on Feb. 27 and discuss next steps.

Feb. 27 is also the date on which Homeland Security funding runs out, after congressional Republicans late last year temporarily extended it in hopes of pressuring the White House to back down on its unilateral actions.

Many Republicans have insisted that any spending bill also nullify the immigration program, a plan approved by the House but repeatedly blocked in the Senate by Democrats.

Now, with the court blocking some of Mr. Obama's immigration actions, GOP lawmakers may be willing to support at least another temporary funding bill.

"That would open the door to at least the possibility of some kind of short-term funding," depending on the case's progress, said Rep. Luke Messer of Indiana, a member of House Republican leadership. However, some Republicans are likely to oppose a short-term measure without legislation blocking the executive action.

Members of Congress return next week from a holiday recess.

Attorney General Eric Holder told reporters that he has long expected that the constitutionality of the immigration program would be settled by a higher court, possibly the Supreme Court. "I think that we have to look at this decision for what it is. It is the decision by one federal district court judge," he said.

The decision leaves people who would qualify for the Obama program in legal limbo at a time when immigration-rights groups have been urging people to apply. White House officials said they hope and expect that applications will be vigorous once the program has legal clearance to begin.

"Our message to our families is, 'Don't panic, keep preparing, keep gathering documents,'" said Debbie Smith, associate general counsel for the Service Employees International Union. "We think this is a timeout, a bump in the road. It's not the end of the game."