

# THE WALL STREET JOURNAL.

## SEVENTEEN STATES SUE OBAMA OVER IMMIGRATION ACTION

By Nathan Koppel and Laura Meckler  
December 3, 2014

AUSTIN, Texas – Texas and 16 other states filed a lawsuit on Wednesday challenging President Barack Obama's executive action on immigration last month, claiming the White House overstepped its authority.

The federal suit, announced by Texas Attorney General Greg Abbott, the state's governor-elect, comes after a number of Republican lawmakers in states around the country have claimed that the president was illegally rewriting immigration law without approval from Congress and in violation of the Constitution.

"The president's unilateral executive action tramples the U.S. Constitution's Take Care Clause and federal law," Mr. Abbott said in a statement.

States involved include Alabama, Georgia, Idaho, Indiana, Kansas, Louisiana, Maine, Mississippi, Montana, Nebraska, North Carolina, South Carolina, South Dakota, Texas, Utah, West Virginia and Wisconsin.

Courts have repeatedly ruled that immigration is a federal, not a state, concern, and many legal experts have said the president has wide "prosecutorial discretion" to decide who gets deported and who gets to remain in the country. Immigration experts also point to previous presidents who have issued similar policies, albeit for much smaller groups of people.

Mr. Obama announced after the midterm elections last month that he would bypass Congress to implement a series of changes to immigration policy. The most controversial element offers some four million people in the U.S. illegally the chance to win a reprieve from possible deportation and to gain work permits.

To qualify, applicants must show they have lived in the U.S. for at least five years and have a child who is a citizen or legal permanent resident. The president also expanded a 2012 program that gives similar safe harbor to young people brought to the U.S. illegally as children.

House Republican leaders angry over Mr. Obama's immigration changes have pledged to challenge the president's action. But their legislative options are limited, given Mr. Obama's promise to veto any bill they pass rolling the policy back. Some have suggested adding the immigration issue to a long-threatened lawsuit they filed last month challenging the Obama administration's implementation of its health-care law.

Mr. Abbott argued that Mr. Obama didn't follow the Administrative Procedure Act in issuing his immigration directive. He also argued that the action will exacerbate a humanitarian crisis of people trying to enter the country illegally along the southern border, which will require increased state investment in law enforcement, health care and education.