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WND EXCLUSIVE

Federal judge halts Obama's amnesty orders

Boehner says ruling should clear path for Homeland Security fundingBy **Bob Unruh**

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A federal judge in Texas on Monday granted a temporary injunction halting President Obama's executive-order driven amnesty program.

The ruling from U.S. District Judge Andrew Hanen ordered the government not to proceed with any portion of the Deferred Action for Parents of Americans and Lawful Permanent Residents, DAPA.

In his order, the federal judge said the court found "that at least one plaintiff has satisfied all the necessary elements to maintain a lawsuit and to obtain a temporary injunction."

"The United States of America, its departments, agencies, officers, agents and employees and Jeh Johnson, secretary of the Department of Homeland Security; R. Gil Kerlikowske, commissioner of United States customs and

Border Protection; Ronald D. Vitiello, deputy chief of United States Border Patrol, United States Customs and Border Protection; Thomas S. Winkowski, acting director of United States Immigration and Customs Enforcement; and Leon Rodriguez, director of United States Citizenship and Immigration Services are hereby enjoined from implementing any and all aspects or phases of the Deferred Action for Parents of Americans and Lawful Permanent Residents."

The outline of plans was "set out in the Secretary of Homeland Security Jeh Johnson's memorandum dated November 20, 2014."

The injunction is until "a final resolution of the merits of this case or until a further order of this court, the United States Court of Appeals for the Fifth Circuit or the United States Supreme Court," the judge ordered.

He cited the Obama administration's failure to comply with the Administrative Procedure Act.

Hanen also ordered that federal officials and agencies are further enjoined from implementing "any and all aspects or phases of the expansions (including any and all changes) to the Deferred Action for Childhood Arrivals."

That was the program begun several years ago by Obama.

The judge also explained the defendants will be allowed to "reapproach this court for relief from this order, in the time period between the date of this order and the trial on the merits, for good cause, including if Congress passes legislation that authorizes DAPA or at such a time as the defendants have complied with the requirements of the Administrative Procedure Act."

He scheduled a conference call for counsel following a Feb. 27 deadline for a schedule for the case to be processed.

House Speaker John Boehner's reaction was that now that the ruling has been made, Democrats should end their opposition to a spending bill for the Department of Homeland Security.

[The Washington Times](#) said [Boehner said Tuesday](#), "The president said 22 times he did not have the authority to take the very action on immigration he eventually did, so it is no surprise that at least one court has agreed. Hopefully, Senate Democrats who claim to oppose this executive overreach will now let the Senate begin debate on a bill to fund the Homeland Security Department."

Congress is on vacation for the week, and there have been no indications from Democrats yet on any change in their position.

The funding bill specifically blocks funding for Obama's amnesty, and Democrats unanimously have opposed it, refusing to let discussion begin.

In Austin, Texas Gov. Greg Abbott said, "President Obama abdicated his responsibility to uphold the United States Constitution when he attempted to circumvent the laws passed by Congress via executive fiat, and Judge Hanen's decision rightly stops the president's overreach in its tracks. We live in a nation governed by a system of checks and balances, and the president's attempt to by-pass the will of the American people was successfully checked today. The district court's ruling is very clear – it prevents the president from implementing the policies in 'any and all aspects.'"

It's one of two pending cases challenging Obama's amnesty.

The other developed first and was thrown out at the district court level.

But it now is on a fast track before an appellate court in Washington, D.C.

It was filed by attorney Larry Klayman of [Freedom Watch](#) on behalf of Sheriff Joe Arpaio of Maricopa County, Arizona.

Klayman told WND he's waiting now for the government to respond to the appellate court.

"We want the D.C. court to enter a preliminary injunction, stopping everything in its tracks," he said. "We're confident that they will agree with us."

Obama's amnesty plans are forecast to allow at least another 5 million illegal aliens in the U.S. to be given legal status in which they could hold jobs and driver's licenses. And critics say they would even be allowed to vote.

[WND reported the significance of the case](#), which was brought by 26 states against the federal government. It was predicted to go far beyond amnesty and immigration.

The case will determine whether or not the United States can be run by a president and his decrees, or by a chief elected official who enforces the laws Congress writes, according to Mark Krikorian, executive director of the [Center for Immigration Studies](#), which watches the immigration situation.

"If I were a Republican politician, I wouldn't even be arguing this on the basis of immigration," he told WND in an interview. "I would be talking about this as just the latest and most egregious example of a president's rule by decree."

He said the coming dispute, which very well may extend into the 2016 presidential election, is going to decide "the balance of powers, whether Congress actually makes law or is an advisory body like the U.N. General Assembly, which is how Obama sees it."

Obama already has challenged America's laws a multitude of times, simply issuing orders to make changes to the Obamacare law, and on a variety of other issues, all without a decision by Congress, which originally wrote the laws.

The fight over amnesty is one of two focal points – the other is Obamacare – of a letter-writing campaign to encourage GOP members of the U.S. House to replace Speaker John Boehner.

The "[Dump Boehner Now](#)" campaign allows voters to reach every Republican House member with hard-copy letters asking them to reconsider their choice as speaker. The letter says House members had the chance to stop Obamacare and amnesty, but Boehner failed to take advantage.

Joseph Farah, WND founder and campaign organizer, set up the letters campaign. He said the opposition to Boehner is based on the Obamacare and amnesty program that voters rejected in the 2014 midterm elections.

The letter explains to members of the U.S. House that two issues have "prompted Americans to turn in droves to the Republican Party in November 2014 – Barack Obama's blatantly unconstitutional executive action to provide amnesty to millions of illegal aliens, and the deliberately deceptive restructuring of America's health-care system through Obamacare, which threatens to unravel the greatest health delivery system in the world."

Pointing out that Republicans before the election "solemnly vowed to STOP this lame-duck president," the letter states: "Now you have the power, right and duty to stop him.

"But it won't happen with John Boehner leading you. You know this to be true. The trillion-dollar budget deal is just the latest proof that Boehner is not capable of leading the House to victory during this critical period."

It's because during the lame-duck Congress, Boehner agreed to Obama's plan to continue funding for Obamacare and amnesty into 2015.

[MSNBC did a report only days ago](#) speculating on whether Hanen would halt the federal plan. MSNBC called Hanen "a critic of the Obama administration's immigration policies."

Worried MSNBC: "If Hanen decides against the Obama administration, he could block the implementation of the executive measures, which are scheduled to kick in Feb. 18. If that were to happen, the Department of Justice would almost certainly appeal the decision, which would then go to the Fifth Circuit Court of Appeals – yet another conservative-leaning court."

The fact that more than half the states are participating in the case has alarmed amnesty supporters, but they still hope more and more illegals come out of the shadows and claim a place at the head of the line of those awaiting official recognition in the U.S., or at least it appears that way.

Karen Tumlin of the National Immigration Law Center told MSNBC: "People have been waiting so long for a chance to come forward and be able to work with authorization and not be looking over their shoulder all day long. We're really trying to send the message that this should be business as usual."

House Republicans, under Boehner, also have said they are going to take court action but haven't yet.

Texas Attorney General Ken Paxton said the decision was a victory.

"And a crucial first step in reining in President Obama's lawlessness," he added.

Klayman has explained it's not a case mainly about immigration.

"This is fundamentally about the rule of law and our constitutional system," he said.

"I know we would prefer, like all conservatives and patriots, to have a clear ruling that executive overreach by any president is a dangerous injury to our Constitution. Lawyers do recognize, however, that courts try to find the easiest way to reach a result. We hope to reach a ruling that the executive branch cannot rewrite the nation's laws whether they go through the Administrative Procedures Act process or not," Klayman said.

In an accompanying 123-page memorandum, Hanen wrote about the states' interest in not allowing "their own resources" to be drained by the "constant influx of illegal immigrants."

He found states "ultimately bear the brunt of illegal immigration."

The opinion noted specifically that Washington "maintains that none of the plaintiffs have standing to bring this injunctive action."

"The states disagree, claiming that the government cannot implement a substantive program and then insulate itself from legal challenges by those who suffer from its negative effects."

The judge noted the reality of the immigration situation.

"When apprehending illegal aliens, the government often processes and releases them with only the promise that they will return for a hearing if and when the government decides to hold one. In the meantime, the states – with little or no help from the government – are required by law to provide various services to this population."

He continued, "It is indisputable that the states are harmed to some extent by the government's action and inaction in the area of immigration."

The judge said Obama's deferment program isn't simply a matter of being forced to pick and choose cases because of limited resources. Washington's current program "is an announced program of non-enforcement of the law that contradicts Congress' statutory goals."

"The DHS does have discretion in the manner in which it chooses to fulfill the expressed will of Congress. It cannot, however, enact a program whereby it not only ignores the dictates of Congress, but actively acts to thwart them," the judge said.

**Bob Unruh**[Summary](#)[Recent Posts](#)[Contact](#)

Bob Unruh joined WND in 2006 after nearly three decades with the Associated Press, as well as several Upper Midwest newspapers, where he covered everything from legislative battles and sports to tornadoes and homicidal survivalists. He is also a photographer whose scenic work has been used commercially.

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