

White House delays immigration order after court ruling

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The Obama administration said Tuesday that it would delay implementation of its plan for temporary deportation waivers for undocumented immigrants, after a Texas judge issued a nationwide injunction against the program.

The White House said that it would postpone the implementation of its program, which would provide some undocumented immigrants with three-year stays and work permits, until an appeal is decided. Homeland Security Secretary Jeh Johnson declared, “In the meantime, we recognize we must comply with” the decision.

In November, Obama announced that he would, via executive order, create a mechanism for over four million undocumented immigrants to apply to the federal government for the waivers.

Obama’s executive order is aimed at less than half of the undocumented immigrants in the United States, or the roughly 4.4 million people whose children are either citizens or permanent residents. The measure would only be a temporary stay of deportation, and would require undocumented immigrants to effectively admit to the government that they had committed the “crime” of entering the US unlawfully.

The Texas court ruling came days before the start of a part of Obama’s plan, which would allow 270,000 people who came to the US as children to apply for the temporary waivers. A much broader section of the proposal, affecting over 4 million people, was set to begin in May.

The ruling by US District Judge Andrew Hanen argued that Obama overstepped his constitutional bounds in changing immigration policy by means of an executive order, and also did not follow proper administrative procedures in implementing its legislative changes.

The White House defended its executive action, and Obama told reporters Tuesday that “the law is on our side and history is on our side.”

The judge’s ruling is not a decision of the merits of a lawsuit filed by 26 states including Texas, but rather called for delaying the implementation of the executive order until the legal issues are resolved.

Hanen claimed, absurdly, that the injunction was needed to ensure that states would not be forced to bear the costs of printing drivers’ licenses for undocumented immigrants whose legal status is not assured. “If the preliminary injunction is denied, plaintiffs will bear the costs of issuing licenses and other benefits once DAPA beneficiaries—armed with Social Security cards and employment authorization documents—seek those benefits,” Hanen wrote. “Once these services are provided, there will be no effective way of putting the toothpaste back in the tube should plaintiffs ultimately prevail on the merits.”

Hanen was appointed by George W. Bush in 2002 to the Federal District Court for the Southern District of Texas in Brownsville. He has in the past been a vocal opponent of the Obama administration’s immigration proposals.

Despite Obama’s posturing as a champion of immigrants, his proposal treats undocumented immigrants as criminals, and is entirely tailored to the needs of big business.

The dispute within the political establishment between the supporters and opponents of the Obama administration’s proposals is a debate within the ruling class. Sections of the corporate and financial elite backing the measures hope that they will provide a more reliable supply of cheap labor.

Obama’s executive order was based, as the WSWs wrote at the time, “on the premise, shared by the entire

political establishment, that all undocumented immigrants are criminals.” In announcing the measure last year, Obama declared, “Undocumented workers broke our immigration laws, and I believe that they must be held accountable.”

The WSWS warned that immigrants who turned their information over to the federal government and applied for a three-year delay in their deportations would be entirely at the mercy of subsequent administrations, or, as the most recent ruling has shown, of the courts.

The limited deportation waivers are entirely compatible with an intensified military-police crackdown on undocumented immigrants. Indeed, when he announced the measures last year, Obama also reiterated his administration’s commitment to a “surge” of resources to beef up the border with Mexico.

In 2013, the last year that records are available, the Obama administration deported 438,421 people, the highest number of annual deportations in US history. The Obama White House has already deported more people than any other presidency, and more than twice as many as the Clinton administration.



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