

Federal court upholds block on Obama immigration plan

Thomas Gaist
29 May 2015

A three-judge panel of the US Fifth Circuit Court of Appeals voted 2-1 Tuesday to uphold a previous injunction, issued in February, that blocked implementation of immigration policy measures advanced in executive orders issued by the Obama administration in November 2014.

In November, Obama announced that he would create a mechanism for more than 4 million undocumented immigrants to apply to the federal government for temporary deportation waivers. The measure, for which fewer than half of undocumented immigrants were eligible, would require them to effectively admit to the government that they had committed the “crime” of entering the US unlawfully.

The previous ruling against the administration’s proposal to grant temporary deportation exemptions was handed down by a Texas District Court in February.

The White House announced Wednesday that it would not immediately appeal to the Supreme Court to overturn the appellate ruling, effectively accepting the postponement of the policy’s implementation for months, if not years.

“Although the department continues to disagree with the Fifth Circuit’s refusal to stay the district court’s preliminary injunction, the Department has determined that it will not seek a stay from the Supreme Court,” said Department of Justice spokesman Patrick Rodenbush.

Supposed to launch this month, the deportation slowdown now appears to be shelved until 2016 or 2017, and may never be implemented at all. As the *New York Times* noted, the executive orders “may remain under a cloud of legal uncertainty until months before [Obama] leaves office in 2017.”

Legal disputes over the orders “may extend for a year

or more, officials said, undermining any hope of putting the president’s plan into effect until right before the 2016 election,” the *Times* noted.

In other words, the Obama White House is backing away from a defense of even the most superficial modifications to the US immigration regime.

Obama’s immigration plan would have offered deportation waivers to certain categories of parents of US citizens who live in the US, and to immigrants who entered the US as children.

The proposals themselves are in fact deeply reactionary, and if passed would only further entrench a legal and political framework premised on the criminalization of undocumented immigrants. Obama made clear as much during remarks announcing his policy, in which he castigated migrants who supposedly “reap the rewards of living in America without taking on the responsibilities,” and boasted that the US government now has “more agents and technology deployed to secure our southern border than at any time in our history.”

“Undocumented workers broke our immigration laws, and I believe they must be held accountable,” Obama declared. This “accountability,” the president proposed, should take the form of denying Social Security and health benefits to all undocumented immigrants, even those willing to place themselves at the mercy of the government as part of the stalled amnesty initiative.

The sole dissenting judge on Tuesday based his opinion on the view that the federal government has ultimate authority on immigration policy, rejecting claims that state governments should have more authority in determining the status of undocumented immigrants.

Whatever the fate of his latest immigration proposals,

Obama has already secured his legacy as leading the most brutally anti-immigrant presidential administration in recent history.

In his first six years in office, Obama deported more immigrants than did President George W Bush during his full eight years. In 2013, the administration deported nearly 450,000 undocumented immigrants, for the highest annual total in all of American history. By the end of 2014, the total number deported under Obama had reached some 3 million.

Even as the federal courts intervened to block the minimal slowdown of deportations contained in Obama's orders, another aspect of the administration's immigration policy has proceeded apace.

During 2014 alone, the government mobilized some \$3.6 billion in funds for mass internment and deportation operations against the immigrant population.

In policy directives titled "Cracking Down on Illegal Immigration at the Border," the White House called the transfer of military-police resources to the US-Mexico border as part of a "sustained border security surge," in order to "centralize border security command-and-control to continue to crack down on illegal immigration."

These policies include the expansion of a network of internment centers to warehouse the influx of immigrants from Central America fleeing catastrophic social conditions that are themselves the product of Washington's bloody machinations in the region.

The growing number of migrant centers already hold thousands of people, including families and children, often with dozens of people of all ages and genders mixed together in a single holding area. More than 60,000 children were detained between late 2013 and mid-2014.

The Obama administration has also overseen an escalation of the use of lethal force at border crossings and new deployments of military personnel and hardware in support of US border patrol units.

The state of Texas is currently spending \$1.3 million each week to "surge" Texas Rangers to the border area, and at least 1,000 soldiers with the Texas National Guard have already been deployed to the border. The Obama administration has quietly acknowledged that Predator drones may soon begin patrols overhead.

Last month, judges sitting on the Fifth Circuit voted

unanimously to give immunity to a US border patrol agent who shot and killed unarmed 15-year-old Sergio Adrian on the Mexican side of the border while the youth was playing with friends in June 2010.



To contact the WSWs and the
Socialist Equality Party visit:

wsws.org/contact