



Written by [Warren Mass](#) on March 11, 2015

## Judge Delays on Obama Request for Stay of Immigration Order Ruling

Judge Andrew Hanen of the U.S. District Court for the Southern District of Texas issued an order on March 9 denying the Obama administration's request for "expedited consideration" of their February 23 motion seeking a stay of the judge's February 16 injunction that blocked the Obama administration's use of executive actions to grant amnesty to four million illegal aliens.



Furthermore, reported AP, Hanen also ordered attorneys for the federal government to appear in his court March 19 to answer allegations that the administration had misled him about the implementation of new immigration policies that the president and his secretary of homeland security ordered in November.

Hanen said that he will not rule on any other motions, such as the request for an expedited stay of his injunction, until after the March 19 hearing.

"Due to the seriousness of the matters discussed therein, the Court will not rule on any other pending motions until it is clear that these matters, if true, do not impact the pending matters or any rulings previously made by this Court," *Politico* quoted Hanen as saying. In setting the March 19 hearing date, Hanen admonished Justice Department attorneys to "be prepared to fully explain to this Court all of the matters addressed in and circumstances surrounding" the request for a stay that the attorneys filed with his court on March 4.

In issuing this order and setting the hearing date, Hanen ignored a deadline set by Justice Department attorneys in their March 4 advisory, in which they said that if Hanen did not rule on their request for a stay by the close of business on March 9, they might "seek relief from the Court of Appeals in order to protect their interests." Any appeal would be made to the U.S. 5th Circuit Court of Appeals in New Orleans.

The point that Hanen wants the DOJ attorneys to explain is the administration's approval of approximately 100,000 applications for three-year work permits and temporary protection from deportation following the administration's November executive actions February 23, when Hanen blocked the program. The attorneys had previously said federal officials wouldn't accept requests under an expansion of DACA until February 18. But in their request for a stay, the DOJ acknowledged granting the three-year deportation reprieves during the interim period, when it was unauthorized to take such action.

Hanen has stated that he wants Justice Department lawyers to "fully explain" why they didn't mention the three-year permits before their request for a stay of his order last week.

To fully understand the basis for Hanen's dissatisfaction with the administration's lack of clarity concerning its actions, it is necessary to revisit the memorandum issued by DHS Secretary Jeh Johnson



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last November 20 concerning the Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) program.

Johnson's memorandum, sent to the heads of U.S. Citizenship and Immigration Services, U.S. Immigration and Customs Enforcement; and U.S. Customs and Border Protection, expanded DACA, which was initiated in 2012 by a policy memorandum sent from former DHS Secretary Janet Napolitano. The memorandum removed DACA's age cap and extended work authorization to three years. Johnson's order also expanded "deferred action" (another name for amnesty) to certain categories of illegal aliens. These were mainly aliens who have a son or daughter who is a U.S. citizen or lawful permanent resident; those who have continuously resided in the United States since before January 1, 2010; and those who were physically present in the United States on the date of the memorandum.

Though Hanen's February 16 injunction blocking DHS from implementing the expanded DAPA program was issued just two days before the department was set to start accepting applications, DHS had changed the previous two years of protection to three years immediately after the memorandum was issued, three months earlier. The administration declined to inform Hanen that 100,000 applications had been accepted under this extension until just last week.

The *Los Angeles Times* reported on March 10:

Last week, government lawyers, "in an abundance of caution," disclosed to Hanen that they had been granting the three-year permits since November to DACA applicants who qualified under the 2012 rules. The talk of the Feb. 18 date "may have led to confusion," said the brief signed by six Justice Department lawyers.

Lawyers for Texas and the other states said the actions were "difficult to square" with the lawyers' earlier statements in the case.

In a statement quoted by the *Times*, Cynthia Meyer, deputy press secretary for the Texas attorney general's office, which took the lead in filing the suit in Hanen's court, said:

It's vital that we get to the bottom of the recent actions by the Obama administration, and this [March 19] hearing will be key in obtaining the truth about what appears on its face to be the administration's clear misrepresentation of the facts in this case.

A March 10 report in the *New York Times* cited a statement from Obama administration officials that they would probably take their motion to the U.S. Court of Appeals for the Fifth Circuit in New Orleans this week.

[Obama Administration Asks Judge to Expedite Consideration of Immigration Order Stay](#)

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