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AILA: Texas Judge Made the Wrong Call; Executive Action will be Upheld and Implemented

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WASHINGTON, DC -The American Immigration Lawyers Association (AILA) issued the following statement from its President Leslie A. Holman regarding the decision by Texas federal judge Andrew Hanen to grant the request for a temporary injunction against the implementation of President Obama's Deferred Action for Parents of Citizens and Lawful Permanent Residents (DAPA) and the expansion of the Deferred Action for Childhood Arrivals (DACA) initiative.

"Previous statements by Judge Hanen made it clear that he was pre-disposed against favorable exercises of prosecutorial discretion in the immigration context. Today he affirmed that pre-disposition by temporarily enjoining decision-making in the expansion of DACA and the implementation of DAPA.

"Thus, there is nothing surprising in the fact of the injunction. What is surprising, given this judge, is the narrowness of the ruling. His injunction is not based on constitutional grounds; it is based on procedure, finding flaws under the Administrative Procedure Act. It is almost as if he was desperate for a way to block these initiatives and grasped any straw he could.

"AILA fully expects the federal government to immediately appeal this ruling and to request a stay of the injunction throughout the appeal process so that the initiatives aren't stalled. AILA is confident the federal government will ultimately prevail and that DAPA and expanded DACA will be fully implemented.

"In the meantime, AILA recommends that individuals who are potentially eligible for expanded DACA or DAPA begin preparing to apply: they should begin gathering the necessary documentation and seek good counsel to give themselves the best chance for success and to avoid potential problems. Importantly, they must be wary of 'notarios' who offer legal advice without a license that is unethical and fraudulent.

"Also important to note is that those who were granted DACA already are in no way affected by this ruling so they should apply for their DACA renewal as planned. This ruling only delays the start of DAPA and the expansion of DACA.

"I know that despite this ruling we will continue to make the case that our country deserves an immigration system that works - for families, for businesses, and for the entire nation," concluded Ms. Holman.

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The American Immigration Lawyers Association is the national association of immigration lawyers established to promote justice, advocate for fair and reasonable immigration law and policy, advance the quality of immigration and nationality law and practice, and enhance the professional development of its members.

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