



Written by [Warren Mass](#) on February 19, 2015

Cruz Says Obama Administration Is “Counterfeiting Immigration Documents”

Senator Ted Cruz (shown, R-Texas), speaking two days after a federal judge issued an order blocking the Obama administration’s implementation of executive actions that would grant amnesty to four million illegal immigrants, said the administration has gone beyond using “prosecutorial discretion” to enforce immigration law, and is now printing “counterfeit” work authorizations.



Cruz made his comments during an interview with *Fox News* on February 18 in which he said,

One of the things the president has claimed, rather absurdly, is that the basis of his authority is “prosecutorial discretion.” That he’s simply choosing not to prosecute 4.5 million people here illegally.

But what the district court concluded, quite rightly, is they’re doing far more than that. The administration is printing work authorizations. It is affirmatively acting in contravention of federal law. Basically, what it’s doing is counterfeiting immigration documents, because the work authorizations it’s printing are directly contrary to the text of the federal law. It is dangerous when the president ignores federal law.

The statement by Cruz was prompted by U.S. District Judge Andrew Hanen’s February 16 ruling on a lawsuit filed in the U.S. District Court for the Southern District of Texas. In the suit, the plaintiffs sought relief from the harmful effects of the Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) program set out in Secretary of Homeland Security Jeh Johnson’s November 20, 2014 memorandum. (The case is *State of Texas, et al. v. United States of America, et al.*)

Hanen issued his temporary order of injunction that holds the Obama administration’s implementation of the Johnson memorandum, pending a final resolution of the merits of the case or until a further order of his court, the U.S. Court of Appeals for the Fifth Circuit Court, or the U.S. Supreme Court. The administration had planned to start accepting applications for amnesty under the DAPA program on February 18.

The lawsuit was filed in the district court last December, with Texas Governor Greg Abbott, who was then the state’s attorney general, taking a leading role. Texas was initially joined by 16 other states and the total number of plaintiff states eventually reached 26.

Abbott and Cruz were joined by new Texas Attorney General Ken Paxton and Lt. Governor Dan Patrick at a news conference at the state capitol in Austin on February 18, during which the participants offered further commentary on the recent court decision and the Obama executive amnesty plan.

“We have in the president’s executive order an action of other violations of the (U.S.) Constitution,” Abbott said at the conference.

He continued:



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[Judge Hanen's ruling] was a victory for America and for the rule of law and a victory for the Constitution. I am confident that as this case works its way through the appellate process we will continue to win. And I am confident because of the primary witness in this case, and that is President Barack Obama himself, who said 22 times he did not have the authority to do what he did.

Cruz also commented on the important court decision:

This victory, this week, the decision from the federal court, was a major victory for the rule of law. All of us have reasons to be proud that Texas led the way, standing up to President Obama's illegal and unconstitutional executive amnesty.

All of us have reasons to be proud that our governor, Greg Abbott, and our attorney general, Ken Paxton, led the way, standing up and fighting against lawlessness. The president's executive order last November was on its face, illegal.

While Cruz's statement was, in essence, correct, it did perpetuate a widely believed misconception about the administration's unilateral use of executive authority to grant amnesty to millions of illegal immigrants. That misconception is that Obama issued an executive order granting the amnesty, when what Obama actually did was issue a presidential memorandum that created a task force among all executive departments to "help determine additional steps the Federal Government can take to ensure its programs and policies are serving diverse communities that include new Americans [immigrants]."

It was Homeland Security Secretary Jeh Johnson who sent an executive action memorandum on November 20 to the heads of U.S. Citizenship and Immigration Services, U.S. Immigration and Customs Enforcement, and U.S. Customs and Border Protection that expanded DACA by removing its age cap and extending work authorization to three years. The memorandum also expanded "deferred action" (another name for amnesty) by directing "USCIS to establish a process, similar to DACA, for exercising prosecutorial discretion through the use of deferred action" to specified categories of individuals.

Hanen was obviously aware of this distinction when he wrote in his opinion accompanying his decision:

Both sides agree that the President in his official capacity has not directly instituted any program in this case. Regardless of the fact that the Executive Branch has made public statements to the contrary, there are no executive orders or other presidential proclamations or communiqué that exist regarding DAPA. The DAPA Memorandum issued by Secretary Johnson is the focus in this suit.

Patrick, who campaigned for lieutenant governor on a tough border security and immigration enforcement platform, praised Hanen's decision, stating:

Had this amnesty been allowed to go into force by executive action, which we believe was illegal, I think we would have seen a new wave of thousands coming here hoping to achieve amnesty. We are going to continue to be vigilant. We are going to continue to maintain law enforcement on our border. National security starts with border security and border security begins in Texas.

With its 1,254-mile border with Mexico, Texas has borne the brunt of the massive wave of illegal immigration that has occurred in our nation in recent years. It is not surprising, therefore, that Texans have led the fight against the Obama administration's grants of amnesty to these illegal immigrants.

Photo of Sen. Ted Cruz (R-Texas): AP Images

Warren Mass writes from Texas.



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