



Written by [Raven Clabough](#) on February 25, 2021

## Federal Judge Blocks Biden Administration's 100-Day Deportation "Pause" Indefinitely

U.S. District Judge Drew B. Tipton dealt a blow to the Biden administration's immigration efforts this week by granting a nationwide preliminary injunction preventing the Department of Homeland Security from implementing a deportation halt.

Judge Tipton's [ruling](#) is in response to a lawsuit filed by Texas Attorney General Ken Paxton following a [January 20 memo](#) from Biden's Department of Homeland Security that halted deportation for most illegal immigrants for at least 100 days.



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Biden's Acting DHS Secretary David Pekoske's memo ordered "an immediate pause on removals of any noncitizens with a final order of removal ... for 100 days" with exceptions only for those engaged in suspected terrorism or espionage, the *Epoch Times* reported.

Texas' lawsuit claimed the directive protected virtually all illegal immigrants with pending deportations "including those whose removal was ordered following a full and fair hearing and those who are not entitled — and do not claim to be entitled — to further immigration benefits."

The lawsuit accused DHS of violating an agreement with Texas by failing to notify the state of the changes and failing to consider how Texas would be harmed by the deportation halt, the *Times* continued.

"In one of its first of dozens of steps that harm Texas and the nation as a whole, the Biden administration directed DHS to violate federal immigration law and breach an agreement to consult and cooperate with Texas on that law," Paxton wrote. "Our state defends the largest section of the southern border in the nation. Failure to properly enforce the law will directly and immediately endanger our citizens and law enforcement personnel."

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Judge Tipton issued a temporary order pausing enforcement of the deportation halt on January 26, *USA Today* reports. Just before the temporary order was set to expire this week, Tipton ruled that the deportation halt exceeded Biden's authority by suspending federal law that required deportations within 90 days of an order for removal. Tipton also ruled the order was "arbitrary and capricious" as it failed to analyze its impact on states such as Texas.

Despite assertions by Biden's team that Texas lacked standing, Judge Tipton ruled that Texas officials proved they would incur financial costs affiliated with detention versus deportation.

"The Court finds Texas has established by a preponderance of the evidence that it could reasonably expect a 100-day pause to lead to a significant number of criminal aliens and unaccompanied children moving freely within and into Texas who would otherwise be removed," he wrote in the 105-page



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decision.

“Criminal aliens and state offenders have a demonstrable propensity to recidivate. Therefore, the 100-day pause will cause Texas unanticipated detention facility costs,” he added.

And though Judge Tipton expressed “deep skepticism of nationwide injunctions in general,” he defended its use by asserting that a nationwide injunction was necessary in this case to achieve “uniformity” in immigration policies.

The injunction will remain in effect until the U.S. Southern District of Texas Court, the U.S. Fifth Circuit Court of Appeals, or the U.S. Supreme Court resolves the case, Breitbart News reports.

An analysis by the Center for Immigration Studies using research from the National Academies of Sciences, Engineering, and Medicine found that deportations save taxpayers enormous amounts of money, as the cost of illegal immigrants to American taxpayers is \$746.3 billion over a lifetime. While the average cost for deportation is approximately \$10,854 per illegal immigrant, according to 2016 fiscal year figures, deporting every illegal immigrant would still result in a savings of \$622 billion over the course of a lifetime, Director of Research Steven Camarotta told Breitbart News.

Unfortunately, the deportation halt was just one of a number of dangerous immigration policy changes the Biden administration has implemented since January 20. As noted by Breitbart News, Biden’s administration issued [DHS memos](#) instructing agents not to pursue illegal immigrants for arrest and deportation until they have been convicted of aggravated felonies against Americans.

Breitbart News reports the DHS enforcement guidelines require approval from top officials at Immigration and Customs Enforcement (ICE) before federal immigration agents can arrest an illegal immigrant charged with federal violations such as drunk driving and violent crimes.

A study by the Center for Immigration Studies found these stipulations will prevent nearly nine out of 10 illegal immigrants from being deported.

“This is a drastic and unprecedented order,” Center for Immigration Studies Policy Director Jessica Vaughan wrote in her analysis.

“Out of all interior deportations, the number of cases classified as ‘not aggravated felons’ in 2018 was 83,804,” Vaughan notes. “This was 88 percent of all interior deportations.”

Dale Wilcox with the Immigration Reform Law Institute (IRLI) believes Tipton’s injunction of the deportation halt “should hold up on appeal” and called Biden’s order a “bizarre and sinister attempt to shutter our entire immigration law enforcement system.”

Paxton applauded Judge Tipton’s ruling for “prioritizing the law and safety” of Texans.



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