

Appeals court rules against Obama immigration plan

Administration will ask Supreme Court to take the case

By KEVIN MCGILL
Associated Press



Obama

NEW ORLEANS — President Barack Obama's plan to defer deportation of an estimated 5 million people living in the United States illegally suffered another setback Monday in a ruling from a New Orleans-based federal appeals court.

In a 2-1 decision, the 5th U.S. Circuit Court of Appeals upheld a Texas-based federal judge's injunction blocking the administration's immigration initiative.

It's unclear when the Justice Department will file its appeal or whether the high court would take up the case, but the administration may be running out of time to get a final decision before Obama leaves office in early 2017.

The Obama administration said it would appeal the ruling to the Supreme Court.

Republicans had criticized the plan as an illegal executive overreach when Obama announced it last November. Twenty-six states challenged the plan in court.

The administration argued that the executive branch was within its rights in deciding to defer deportation of selected groups of immigrants, including children who were brought to the U.S. illegally.

Texas Gov. Greg Abbott praised the ruling.

"President Obama should abandon his lawless executive amnesty program and start enforcing the law today," Abbott said in a news release.

The ruling further dims prospects of implementation of the executive action before Obama leaves office in 2017. Appeals over the injunction could take months and, depending on how the

case unfolds, it could go back to the Texas federal court for more proceedings.

The National Immigration Law Center, an advocacy group, urged an immediate Supreme

Court appeal.

"The most directly impacted are the 5 million U.S. citizen children whose parents would be eligible for temporary relief from deportation," Marielena Hincapie, executive director of the organization, said in a news release.

Part of the initiative included expansion of a program called Deferred Action for Childhood Arrivals, protecting young immigrants from deportation if they were brought to the U.S. illegally as children. The other major part, Deferred Action for Parents of Americans, would extend deportation protections to parents of U.S. citizens and permanent residents who have been in the country for years.

The 70-page majority opinion by Judge Jerry Smith, joined by Jennifer Walker Elrod, rejected administration arguments that the district judge abused his discretion with a nationwide order and that the states lacked standing to challenge Obama's executive orders.

They acknowledged an argument that an adverse ruling would discourage potential beneficiaries of the plan from cooperating with law enforcement authorities or paying taxes. "But those are burdens that Congress knowingly created, and it is not our place to second-guess those decisions," Smith wrote.

In a 53-page dissent, Judge Carolyn Dineen King said the administration was within the law, casting the decision to defer action on some deportations as "quintessential exercises of prosecutorial discretion," and noting that the Department of Homeland Security has limited resources.

Group alleges Obama plans to circumvent court order

By MATEUSZ PERKOWSKI
Capital Press

A group opposing illegal immigration suspects the Obama administration wants to circumvent a court order prohibiting a federal program that deferred deportations of certain undocumented immigrants.

And the administration will not comment on the allegation on the record.

The Immigration Reform Law Institute, an immigration advocacy law firm, points to an internal document apparently leaked from the U.S. Department of Homeland Security, discussing several options for providing employment authorization to immigrants.

The document analyzes granting such work authorization to four categories of people, with the broadest option including those who have entered the U.S. without inspection or overstayed their visas.

The option favored by the Office of Policy and Strategy — a division of the Department of Homeland Security's immigration arm — would permit employment authorizations for people who entered illegally but who are now lawfully in the country under programs that defer deportation.

One such program, known as the Deferred Action for Parents of Americans and Lawful Permanent Resident, or DAPA, was established by the Obama administration in 2014 but blocked by a federal judge earlier this year.

U.S. District Judge Andrew Hanen found the DAPA program was created in violation of administrative procedure law because the federal government didn't follow public notice-and-comment requirements.

That ruling was challenged before the 5th U.S. Circuit Court of Appeals, which recently upheld the injunction.

Ian Smith, an investigative associate for the Immigration Reform Law Institute, called the leaked memo an "incomplete document" that may foreshadow federal regulations dealing with work authorizations.

"I don't know exactly what they're thinking," he said of the document's authors.



Gosia Wozniacka/The Associated Press

Farmworkers pick paper trays of dried raisins off the ground and heaping them onto a trailer in the final step of raisin harvest in 2013 near Fresno, Calif. A group opposing illegal immigration says the administration plans to circumvent a court order prohibiting a federal program that deferred deportations of certain undocumented immigrants.

The White House's press office referred questions to the Department of Homeland Security, which refused to comment about the document or allegations that the administration is trying to side-step the injunction.

The White House did not respond to repeated requests to comment on the record.

Another Obama administration program that stopped deportations of people who unlawfully entered the U.S. as children, Deferred Action for Childhood Arrivals, or DACA, was implemented in 2012 but is not subject to an injunction, Smith said.

Some of the policy options in the leaked memo would apply to immigrants who are eligible for this program, authorizing them to work in the U.S., he said.

The memo may also signal that the federal government is aiming to defer deportations for some immigrants through the rulemaking process, he said.

While more time-consuming, attorneys for the government expect that following this process would improve the chances such immigration policies could survive in court, Smith said.

Work authorizations for immigrants who entered the U.S. illegally are troubling because they create an "anchor" that impedes people from returning to their home countries, he said.

The option in the leaked memo that would provide work authorization to nearly any immigrant is the "scariest," as it would undermine the principle of a controlled immigration system that does not disrupt the labor market, Smith said.

The leaked document was made available on the website of Immigration Voice, a non-profit group that advocates for reforming rules that pertain to high-skilled immigrants.

Capital Press was unable to reach representatives of the group as of press time.

Nearly a third of Idaho ag land is rented

81 percent of state's landlords aren't farmers

By SEAN ELLIS
Capital Press



Sean Ellis/Capital Press

BOISE — Almost 31 percent of farmland in Idaho is rented and most of the landlords who rent that land out are non-farmers.

A survey conducted by USDA's National Agricultural Statistics Service found that 3.64 million acres of farmland in Idaho was rented out by landlords in 2014. That represented 30.8 percent of Idaho's total 11.8 million acres of farmland last year.

Seventy percent of that rented farmland was cropland while 28 percent was pasture. Forests and other uses made up the rest.

University of Idaho Agricultural Economist Garth Taylor said the survey results show that "farmers are renting an awful lot of land. They don't own it because it's too expensive. The reason for that is that they are farmers, not land speculators."

It was the first time NASS has surveyed farmland landlords since 1999. The Tenure, Ownership and Transition of Agricultural Land survey was conducted in cooperation with USDA's Economic Research Service.

According to the survey, 3,439 of the total 17,909 farmland landlords in Idaho were farmers while the other 14,470 were non-farming entities, including partnerships, corporations, trusts and other types of ownership.

The large number of non-farming landlords didn't surprise Sen. Jim Patrick, a Republican farmer from Twin Falls who has been contacted several times by institutional buyers seeking agricultural land.

"I know the institutional buyers are out there and they've bought some pretty large farms in this area," he said.

Based on survey results, farmland landlords in Idaho expect to transfer 1.99 million

Potatoes grow in a field near Nampa, Idaho, earlier this year. According to a USDA survey, 31 percent of farmland in Idaho is rented out and most of the landlords who rent that land out are non-farming entities.

acres to different owners in the next five years. Of that total, 247,546 acres are expected to be sold to non-relatives and 404,368 acres are expected to be put in trust.

Patrick said those types of trusts include insurance companies and other large investors buying farmland for investment purposes, and they may also include estates put into trust for tax purposes.

Patrick and others said that if 652,000 acres of that 1.99 million acres of farmland expected to be transferred in the next five years is going to non-relatives and trusts, that probably means

an awful lot of it is being transferred by farmers to family members and it's a good indication that a lot of farmers are planning to retire soon.

"It's showing that a new generation of farmers is coming in and there are a lot of farmers planning to retire," said Corey Coles, a land value expert in Rabo AgriFinance's Nampa office. "That's the takeaway message."

Shelley farmer Stan Searle said the survey results reflect what a lot of growers probably already suspect, that a lot of Idaho farmers are on the verge of retirement.

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