

FEDERALISM NOW

Panel on Immigration

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Immigration Federalism NOW

Panel Questions

What is federalism now?

How has federalism changed?

Opportunities and constraints for policymaking in immigration?

What is Federalism Now: Immigration Federalism

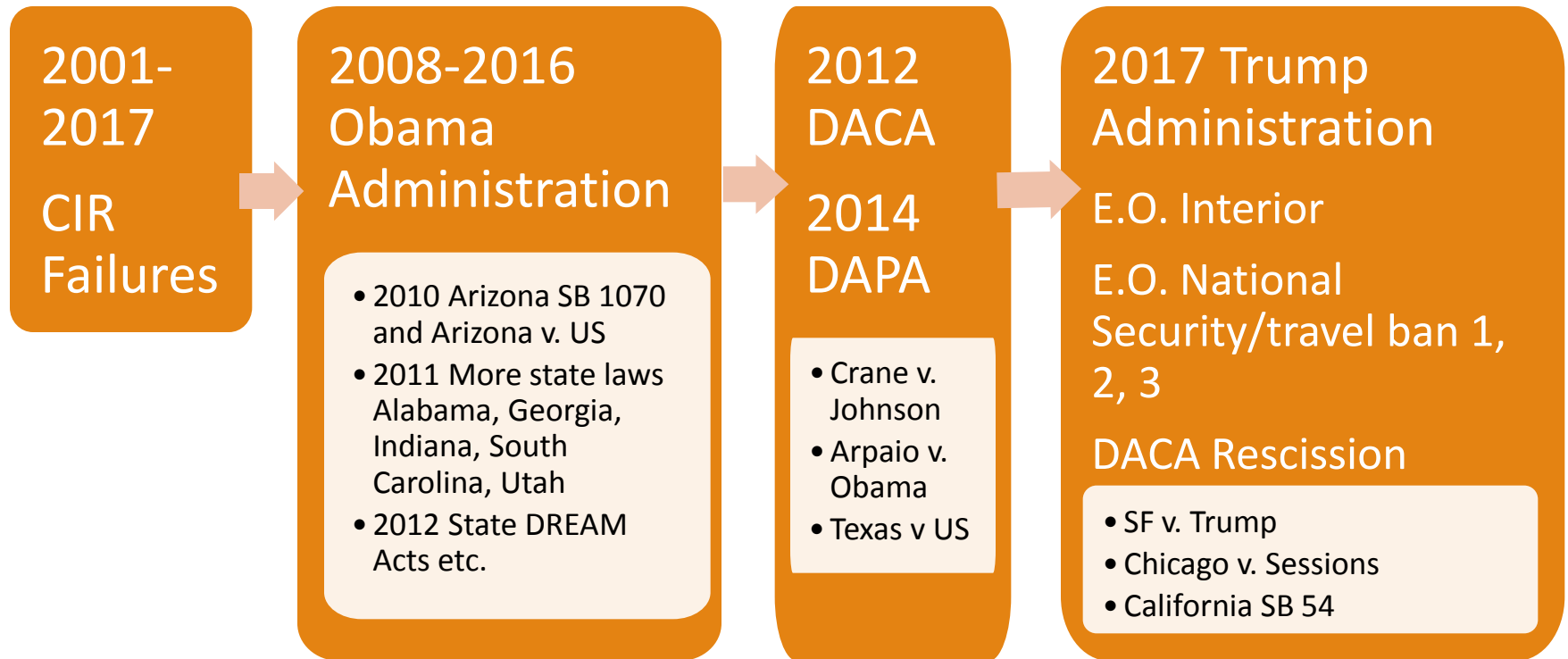
Federal-state-local immigration power

Coercive v. cooperative federalism

Examples of state-federal immigration policies

- Sanctuary policies and immigration detainers
- Refugee admissions and state resettlement
- DACA and State DREAM Acts

Interaction of state and federal immigration laws

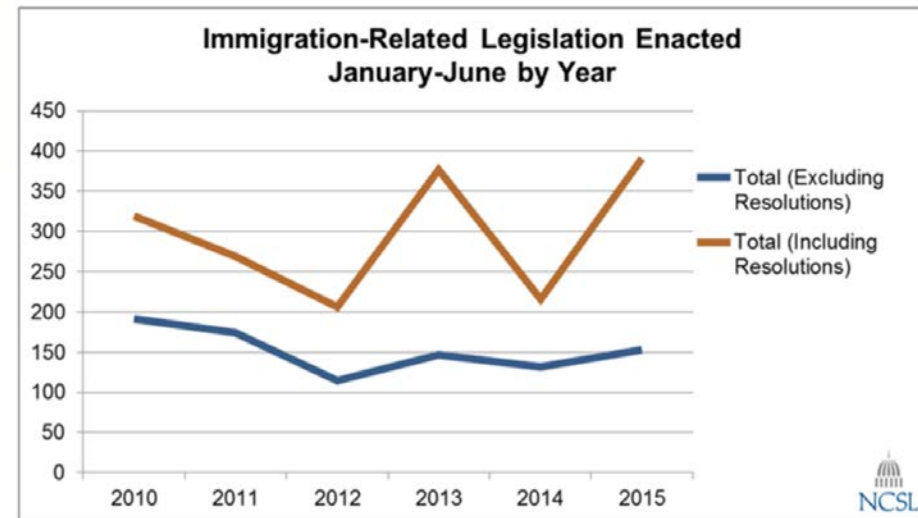


How Has Federalism Changed?

New immigration federalism(s)



Enacted omnibus immigration law in 2011



Pro-integration state laws as of February 2014

	Limits on detainers or TRUST Acts*	Limits on E- Verify	Driver's licens- es for DACA recipients	Driver's licenses for unauthorized immigrants	In-state tu- ition**	Financial aid
Alabama			✓			
Alaska			✓			
Arizona						
Arkansas			✓			
California	✓	✓	✓	✓	✓	✓
Colorado			✓	✓	✓	
Connecticut	✓		✓	✓	✓	
Delaware			✓			
District of Columbia	✓		✓	✓		
Florida			✓			
Georgia			✓			
Hawaii			✓			
Idaho			✓			
Illinois		✓	✓	✓	✓	✓
Indiana			✓			
Iowa			✓			
Kansas			✓		✓	
Kentucky			✓			
Louisiana			✓			

Table: Scoring of policies related to undocumented immigrants' health, total and policy area scores

State	State Immigrant Inclusion score total	Public health and welfare benefits	Higher education	Labor and employment practices	Driver licensing and identification	Secure Communities
California	9	3	2	2	1	1
Illinois	7	3	2	1	2	-1
Washington	4	3	0	0	2	-1
Colorado	2	-1	0	0	2	1
Texas	2	1	2	1	-1	-1
District of Columbia	1	3	-2	0	1	-1
Minnesota	1	1	2	-1	0	-1
New Mexico	1	-1	2	0	1	-1
New York	1	3	0	0	-1	-1
Oregon	0	1	0	0	0	-1
Connecticut	-1	-3	0	0	1	1
Maryland	-1	-1	0	0	1	-1
Massachusetts	-1	3	-2	0	-1	-1
Michigan	-1	1	0	-1	0	-1
Oklahoma	-1	1	0	-1	0	-1
Rhode Island	-1	1	0	0	-1	-1
Arizona	-2	1	-2	0	0	1

Opportunities and Constraints: Immigration Federalism(s)

Which branch of government?

- Congress to executive branch
- Many, many lawsuits brought by states
- State-county-municipal lawmaking
- Private actors: from campuses to corporations

To what end?

- Inclusionary v. Exclusionary
- Coercive v. cooperative
- Uncooperative federalism

E.O. Enhancing Public Safety in the Interior of the United States

1. Drastically changes the priorities regarding who is targeted for deportation.
2. Calls for ICE to hire 10,000 additional deportation officers.
3. Imposes sanctions, including funding cuts, against localities designated as “sanctuary jurisdictions.”
4. Encourages federal-state agreements [“287(g) agreements”] that deputize state and local officials to enforce immigration laws.

SF v. Trump

Chicago v. Sessions

California SB 54

E.O. Protecting the Nation from Foreign Terrorist Entry to US

EO 13769 - Travel ban 1. 5(g) It is the policy of the executive branch that, to the extent permitted by law and as practicable, **State and local jurisdictions be granted a role in the process of determining the placement or settlement in their jurisdictions of aliens eligible to be admitted to the United States as refugees.** To that end, the Secretary of Homeland Security shall examine existing law to determine the extent to which, consistent with applicable law, State and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions, and shall devise a proposal to lawfully promote such involvement.

EO 13780 - Travel ban 2. 6(d) substantially similar

Proclamation 9645 - Travel ban 3.

Litigation challenges: *Hawaii v. Trump* and *Maryland v. Trump*

Opportunities & Constraints: DACA, State DREAM Acts, DAPA

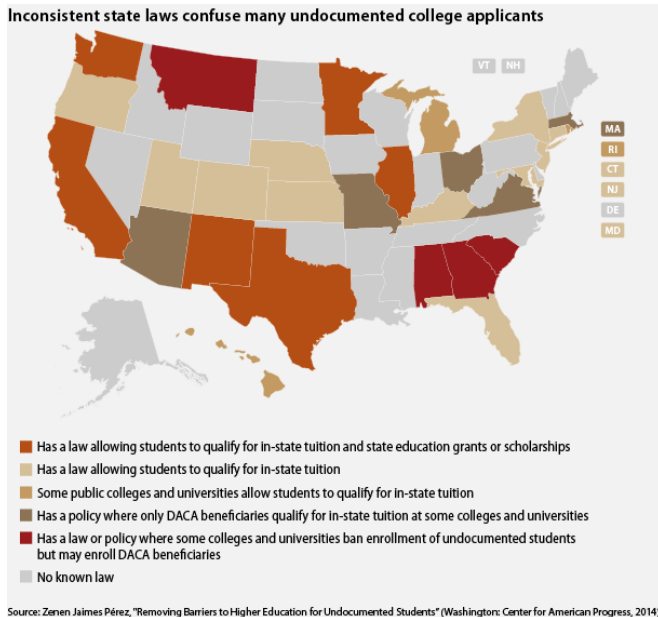
Spectrum of Cooperative Behaviors

**Resistance/
Involuntary
Cooperation**

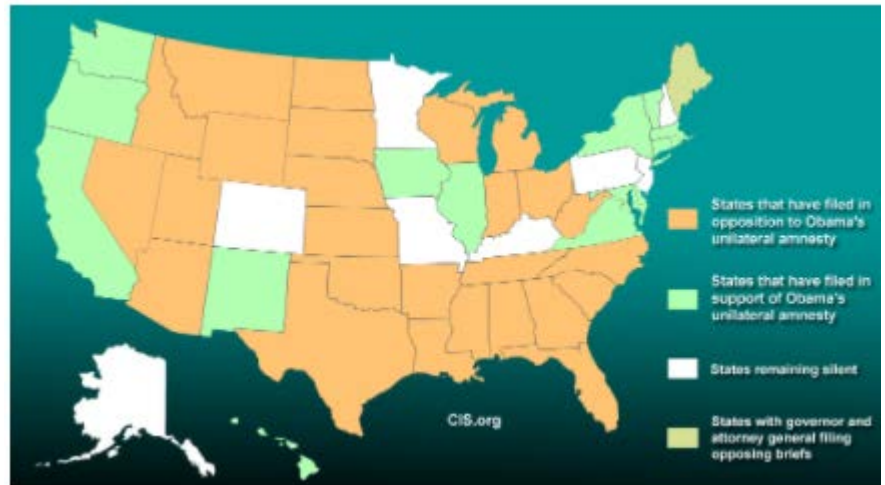
**Compliance
Dubitative**

**Gradual
Acquiescence**

**Voluntary
Cooperation**



State challenges to DAPA (Texas v US)



DACA Rescission



(The Washington Post)

Sessions: DACA program 'is being rescinded'

Attorney General Jeff Sessions announced on Sept. 5 that the Trump administration is rescinding Deferred Action for Childhood Arrivals, calling the program "an open-ended circumvention of immigration laws."

September 5, 2017 | 9:03 AM EDT

Litigation brought by:
UC
State of California
6 DREAMers