



Federalism and National Unity: The Impact of Trump's Immigration Policies on State-Federal Relations

Blanchet Chahira *

Univrsity of 8 Mai 1945-Guelma

blanchet.chahira@univ-guelma.dz

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Abstract:

This paper aims to examine how Donald Trump's immigration policies (2017–2021) reshaped state–federal relations and affected U.S. national unity. Adopting a qualitative and analytical methodology, the study draws on academic literature, policy analyses, executive orders, and legal cases to assess intergovernmental dynamics during this period. The findings show that the administration's reliance on executive unilateralism and coercive federal strategies intensified conflicts with states and municipalities, particularly over sanctuary policies, travel restrictions, and border wall funding. These conflicts weakened intergovernmental cooperation, fragmented immigration governance, and reinforced partisan polarization, thereby straining the integrative capacity of American federalism.

Keywords: Federalism; National Unity; Immigration Policy; Trump Administration; Executive Power; State–Federal Relations.

Introduction:

Immigration has long occupied a central place in debates over American federalism, reflecting enduring tensions between national authority and state autonomy. Although the U.S. Constitution assigns primary responsibility for immigration policy to the federal government, the implementation of immigration laws has historically depended on cooperation from state and local governments.

* Corresponding author



This interdependence makes immigration a revealing policy domain for assessing how federalism shapes governance and, more broadly, national unity. During the presidency of Donald Trump (2017–2021), immigration became not only a policy priority but also a focal point of intense intergovernmental conflict, exposing structural and political strains within the federal system.

Trump's immigration agenda emphasized enforcement, restriction, and assertions of national sovereignty, relying heavily on executive authority rather than legislative compromise. Measures targeting sanctuary jurisdictions, imposing travel restrictions on several countries, and reallocating federal funds for border wall construction provoked sustained resistance from states and municipalities. These confrontations frequently resulted in litigation and judicial intervention, signaling a shift away from cooperative federalism toward more coercive strategies. As a result, immigration policy under Trump offers a critical case for examining how executive-driven federal action can reshape state–federal relations and affect national cohesion.

The central problem addressed in this paper is the extent to which Trump's immigration policies altered the balance between federal authority and state autonomy, and how these changes affected national unity. While federalism is designed to accommodate diversity and dissent within a unified political system, prolonged intergovernmental conflict raises questions about the system's integrative capacity. Existing scholarship has extensively examined immigration enforcement and executive power, yet fewer studies have explicitly connected these developments to their implications for federalism and national cohesion. This research seeks to bridge that gap by situating immigration policy within the intersecting debates on federalism, executive power, and national cohesion.

Accordingly, the primary objective of this paper is to analyze how Trump's immigration policies reshaped state–federal relations and to assess their implications for U.S. national unity. More specifically, the study aims to (1) examine the shift from cooperative to coercive federalism in immigration enforcement, (2) analyze state and local resistance through sanctuary policies and litigation, and (3) evaluate how these intergovernmental conflicts contributed to political and regional fragmentation.

To achieve these objectives, the paper is guided by the following research questions:

1. How did Trump's immigration policies transform state–federal relations within the American federal system ?



2. In what ways did state and local governments resist federal immigration directives during this period ?

3. How did these intergovernmental conflicts affect national unity and institutional trust in the United States ?

Methodologically, this study adopts a qualitative and analytical research approach. Data collection relies primarily on literature-based research, drawing on a broad range of primary and secondary sources. These sources include academic books, peer-reviewed journal articles, policy analyses, legal documents, and prior research studies that engage with similar themes of federalism, immigration policy, and state–federal relations. Through critical analysis of these materials, the study examines patterns of intergovernmental conflict and cooperation during the Trump administration, situating immigration policy within broader debates on federalism and national unity.

THE FIRST TOPIC: THEORETICAL AND CONCEPTUAL FRAMEWORK

This section establishes the theoretical and conceptual foundations for understanding federalism in the United States and its implications for national unity and immigration policy. It first examines the evolution of American federalism, highlighting the balance between state autonomy and national authority. It then explores how federal structures shape the capacity of the U.S. political system to maintain cohesion, with particular attention to the interplay between national governance, subnational initiatives, and contentious policy areas such as immigration.

FIRST REQUIREMENT: FEDERALISM IN THE UNITED STATES

Federalism is a foundational feature of the U.S. political system. Rooted in the Constitution, it distributes authority between the federal government and the states through a system of reciprocal checks and balances. This institutional design reflects the Founding Fathers' intent to establish a unified national government with limited powers while preserving a distinct sphere of state autonomy in which state governments retain general police powers ¹.



At the same time, federalism both safeguards state interests and sustains a strong national union, embodying an enduring balance between decentralization and centralization. This balance is evident in practice. Decentralization appears in state-level variations in taxation, social welfare policies, and electoral regulations, whereas centralization is demonstrated by exclusive federal powers such as issuing currency, reviewing the constitutionality of state laws, and shaping state actions through grants and mandates. Together, these dynamics illustrate a complex and evolving federal structure that has shaped intergovernmental relations since the late eighteenth century².

The U.S. federal system operates through an integrated network of national, state, and local governments, with subnational authorities playing a particularly prominent role. This structure reflects the country's longstanding commitment to participatory democracy and institutional checks on governmental power. By 1990, the United States included 50 states and over 83,000 local government units, such as municipalities, counties, townships, school districts, and special-purpose districts. The distinction between general-purpose local governments and limited-purpose entities—like school and special service districts—underscores the depth of decentralization embedded within U.S. governance³.

The Constitution reinforces federalism by establishing dual sovereignty, assigning enumerated powers to the federal government while reserving remaining authority to the states. This framework distinguishes U.S. federalism from unitary systems, in which subnational governments exercise minimal autonomy and mainly implement central directives. As the first nation to institutionalize federalism, the United States created a system in which both levels of government exercise independent yet interdependent authority, allowing state and national interests to operate collaboratively within a unified political structure⁴. Over time, the division of authority in U.S. federalism has evolved. Scholars have identified several phases in its development, most notably dual federalism, cooperative federalism, and, more recently, coercive federalism⁵.

The evolution of American federalism can be understood through three major phases. Dual federalism featured relatively autonomous spheres of state and federal authority. Over time, it gave way to cooperative federalism, which emphasized intergovernmental collaboration through shared responsibilities, joint programs, and fiscal partnerships⁶. In the late twentieth century, coercive federalism emerged, reflecting enhanced federal influence over state policy through mandates, conditional grants, and preemption⁷. These mechanisms gradually constrained state autonomy and reshaped the balance of power within the



federal system, highlighting a shift from dual sovereignty toward a framework increasingly shaped by federal intervention⁸.

Contemporary American federalism combines elements of past eras—dual federalism and cooperative federalism—while exhibiting historically unique characteristics. Today's system is often described as coercive, reflecting the national government's ability to shape state and local policy through political, fiscal, statutory, regulatory, and judicial mechanisms⁹. This shift in policymaking, from the interests of states and localities to the interests of individual citizens and interest groups, has made the federal government more fully “national” in scope than at any previous time.

Within this institutional and historical context, the U.S. federal government functions as the central authority of a federal republic comprising 50 states, a federal district, five self-governing territories, and several island possessions. It is organized into three branches—legislative, executive, and judicial—whose powers are vested by the Constitution in Congress, the president, and the federal courts. These powers are further elaborated through acts of Congress, including the creation of executive departments and courts inferior to the Supreme Court¹⁰.

While federalism seeks to unify the nation, this does not necessarily result in legal uniformity. Federal law is fully uniform only where it exclusively applies; in most areas, significant differences exist between state and federal laws, as well as among the laws of individual states and municipalities. Despite these variations, the U.S. legal system achieves a substantial degree of harmonization¹¹.

Both historical and contemporary political debates frequently revolve around federalism as a system of multi-level governance. Although federalism remains central to these debates, existing scholarship provides limited insight into how Americans perceive and assess decentralization. Empirical findings indicate that support for devolution varies substantially both across and within states and is shaped by individuals' ideological orientations and evaluations of governmental performance. Overall, attitudes toward federal arrangements appear relatively stable and grounded in enduring preferences about the appropriate distribution of state authority rather than short-term political considerations¹².

Building on these insights, Heather K. Gerken concludes that the longstanding division between nationalism and federalism may be less rigid than traditionally assumed. Her work demonstrates that the assumption—centralization favors national interests while decentralization favors state interests—is not



necessarily accurate. Moreover, the current democratic system represents a compromise that satisfies elements of both camps. While this reality differs from the ideal envisioned by either side, it is also less threatening than anticipated. Her analysis unsettles traditional perspectives and identifies new terrain that can either serve as a foundation for building consensus or as a landscape for future political contention¹³.

SECOND REQUIREMENT: NATIONAL UNITY IN THE U.S. FEDERAL SYSTEM

Conceptually, national unity refers to the capacity of a political system to maintain institutional cohesion, shared governance norms, and public trust across regions and levels of government. In federal systems, unity does not imply uniformity but depends on sustained intergovernmental cooperation. When such cooperation breaks down, persistent state–federal conflict—especially when aligned with partisan polarization—risks fragmenting governance and weakening national cohesion¹⁴.

More broadly, national unity constitutes a fundamental pillar of social stability, economic development, and international influence. Maintaining this unity, however, requires managing internal divisions and external pressures through inclusive governance, respect for cultural diversity, and equitable development strategies. In this context, a shared sense of national identity and collective commitment to common objectives is essential for confronting societal challenges and reinforcing cohesion. Accordingly, governments play a central role by adopting and implementing policies in areas such as education, language and cultural preservation, legal frameworks, and economic advancement to strengthen social and political integration. Empirical research further confirms that persistent polarization and internal divisions can undermine these efforts and weaken national cohesion¹⁵. Government policies in education, cultural preservation, and equitable development play a critical role in fostering a stable and cohesive society, promoting integration, and reinforcing a sense of belonging among diverse populations¹⁶.

In line with the role of government policies in fostering national cohesion, recent shifts in immigration policy illustrate how subnational initiatives can influence social integration. An increasing number of states have enacted more



inclusive laws to support immigrant integration and mitigate some negative effects of federal immigration enforcement. These measures take diverse forms, including provisions for driver's licenses, in-state tuition, and restrictions on local cooperation with federal immigration authorities. Even in the absence of comprehensive federal reform, such subnational policies can strengthen social cohesion and contribute to broader national unity¹⁷.

Conversely, when national unity is weakened, a state's sovereignty can be challenged both internally and externally. Internally, divisions may spark power struggles among competing groups, complicating governance and decision-making processes. Externally, actors may exploit these fractures to advance their own interests, further destabilizing the state. As a consequence, such dynamics can undermine governmental legitimacy and reduce the capacity of authorities to maintain order and implement policies effectively¹⁸. Moreover, national unity is crucial for the successful implementation of social and economic development programs, as stability underpins effective governance and long-term prosperity¹⁹.

From a social perspective, national unity is critically important for any country, as social scientists emphasize several key outcomes when it is firmly established. First, conflicts and struggles between different nations and ethnic groups are minimized, fostering harmony among diverse populations. Second, a sense of patriotism is cultivated, encouraging individuals to identify as citizens of one nation rather than solely as members of particular ethnic or cultural groups, thereby promoting loyalty to the homeland. Third, national unity creates conditions for peace, providing opportunities for all citizens to live and work safely across the country. Finally, it encourages intermarriage between different ethnic and racial groups, further strengthening social cohesion and elevating national unity to a higher level²⁰.

SECOND REQUIREMENT: IMMIGRATION POLICY AND FEDERALISM

Federalism shapes almost every major policy controversy in contemporary American politics. In this broader context, debates over public policy frequently revolve around the division of authority between the federal government and state or local governments. This dynamic is particularly visible across a wide range of issues, including immigration, gun regulation, drug legalization, taxation, health care, policing, environmental regulation, and even



foreign affairs, where questions of jurisdiction and constitutional authority remain central to policy formulation and implementation²¹.

Against this general backdrop of federal–state interaction, immigration federalism refers to the role of states and localities in shaping immigration law and policy. Historically, however, U.S. states and localities have often pursued independent immigration initiatives rather than simply implementing federal directives. Consequently, tensions among the federal, state, and local governments have persisted²².

Historically, American federalism evolved from state supremacy at the Constitution's ratification to dual federalism with distinct spheres of authority, and finally to a system dominated by the national government. This shift has progressively constrained state discretion in areas such as immigration policy²³.

Building on this limited state authority, traditional explanations for the increase in anti-immigrant state legislation suggest that the arrival of immigrants in new areas—such as Kansas, North Carolina, and Georgia—heightened concerns about cultural and economic pressures, crime, and local issues like housing overcrowding. Moreover, these perceived challenges, coupled with Congress's failure to enact comprehensive immigration reform, created incentives for state and local governments to take independent action in response to the growing immigrant population²⁴.

Consequently, over the past ten years, state and local governments have enacted a significant number of laws concerning immigrants and immigration. Notably, between 2004 and 2012, much of this legislation was restrictive, creating obstacles for immigrants to live, work, and participate in their communities. For instance, several cities imposed penalties on landlords who rented to unauthorized immigrants and on employers who hired them. This restrictionist trend culminated with Arizona's passage of the comprehensive anti-immigrant law S.B. 1070 in 2010, followed by similar "copycat" laws in states such as Alabama and Georgia the next year. S.B. 1070 and related legislation pursued a strategy of "attrition through enforcement," criminalizing unauthorized presence in the country and authorizing local police to verify the immigration status of individuals suspected of being in the U.S. without proper documentation²⁵.

From a broader federalism perspective, one of the most contentious issues straining relations between state and federal governments concerns undocumented immigration. As states confronted growing numbers of undocumented immigrants—an issue the federal government appeared either



unable or unwilling to manage—those bearing the greatest fiscal burdens sought independent remedies. Accordingly, several states initiated lawsuits against the federal government to recover expenditures related to social services and public education provided to undocumented residents. Most notably, some states enacted policies aimed at denying undocumented immigrants access to welfare benefits, as illustrated by California's Proposition 187²⁶. The latter aimed to deny access to multiple public services—most notably public education and medical care—to individuals suspected by public officials of lacking authorized immigration status²⁷.

In a forceful assertion of state autonomy, California Governor Pete Wilson proclaimed that "California will not submit its destiny to faceless federal bureaucrats or even congressional barons. We declare to Washington that California is a proud and sovereign state, not a colony of the federal government²⁸." In essence, the immigration crisis reflects a classic federalism dilemma, in which states resist assuming responsibility for populations that Congress has failed to formally recognize or remove.

Historically, American federalism has followed a trajectory from initial state supremacy at the time of the Constitution's ratification, through the dual-federalism era characterized by clearly delineated spheres of co-governance, to the current system in which the national government holds predominant authority, while states retain limited autonomy. Consequently, states initially developed their own immigration policies, but the gradual ascent of national supremacy has progressively constrained state discretion in this domain²⁹.

One proposed response to the federalism tensions generated by undocumented immigration in the United States is to devolve substantial authority over the enforcement and implementation of immigration law to the states. However, such an approach is neither well suited to the U.S. constitutional framework nor aligned with the national interest. Moreover, transferring immigration authority to the states would contradict a central principle that has guided U.S. immigration law for more than a century: the doctrine of federal supremacy in both the creation and enforcement of immigration policy. The primary justification for maintaining federal dominance in this area lies in the significant foreign policy implications of immigration regulation. For this reason, the authority to regulate immigration has consistently been understood as an exclusively federal power³⁰.

The disproportionate effects of undocumented immigration on a limited number of states have generated a federalism crisis in the United States that, in



turn, offers the federal government a critical opportunity to rethink its approach to immigration policy. Such a shift could move the system away from the current adversarial relationship between state and federal authorities toward a more cooperative framework. The legal challenges brought by states against the federal government, along with measures such as California's Proposition 187, represent early indications of the federal government's failure to develop effective intergovernmental cooperation in the area of immigration policy³¹.

Within this broader context of intergovernmental strain, the United States' federal system has seen immigration emerge as a persistent source of tension among federal, state, and local governments, each holding different views on how the issue should be addressed. While the federal government retains primary responsibility for immigration enforcement, it has delegated a range of related tasks to state and local law enforcement agencies. Consequently, the extent to which local authorities should cooperate with federal officials remains highly contested, with states acting as both partners and challengers to federal authority³². This dynamic became particularly contentious during the Trump administration, when federal enforcement clashed with state resistance, setting the stage for a closer examination of how federalism shapes immigration policy.

THE SECOND TOPIC: IMMIGRATION POLICY AND FEDERALISM UNDER TRUMPS ADMINISTRATION: CHALLENGES AND IMPLICATIONS

Immigration policy over the last decade has been characterized by sustained congressional inaction, unilateral executive action, and an intensification of policy activity at the state and local level. The combination of immigration federalism and congressional fecklessness means that, despite radical differences in policy intent, Donald Trump's nativist agenda faced constraints similar to those that undermined Barack Obama's integrationist agenda. This context of institutional limitations and decentralized authority helps explain the contentious interactions between federal and subnational governments during the Trump administration³³.

The first year of the Trump administration marked a significant shift in U.S. immigration policy, as the president moved to reverse the initiatives of his predecessor and implement measures such as intensified arrests of unauthorized immigrants, reductions in legal immigration and refugee admissions, punitive actions against so-called "sanctuary" jurisdictions, and a push to secure funding for



a border wall along the U.S.–Mexico frontier. If fully realized, these measures would have represented a sharp departure from the approaches of previous administrations, including those led by Republicans ³⁴. At the same time, long-standing patterns in U.S. immigration policymaking lent a degree of continuity to Trump's early actions. A mutually reinforcing interplay of congressional inaction, executive decision-making, and state and local policy activism continued to shape the decentralized nature of the American immigration system ³⁵.

Building on this backdrop, the administration pursued a series of assertive executive actions aimed at reshaping asylum, deportation, and border policy. The administration issued nine immigration-related executive orders, signaling an ambitious effort to overhaul the existing immigration framework. These directives proposed sweeping measures, including the construction of a border wall along the entire southern frontier, the recruitment of 15,000 additional border and interior enforcement personnel, and the dismantling of so-called “sanctuary cities,” defined as jurisdictions that decline to cooperate fully with federal immigration authorities in the detention of unauthorized immigrants. What originated as a campaign pledge to bar Muslim individuals from entering the United States subsequently evolved into three executive orders seeking to impose travel restrictions on visitors, immigrants, and refugees from selected Muslim-majority countries ³⁶.

Seeking to prevent the entry of drugs and gangs into the United States, Trump committed to expanding the border wall along the U.S.–Mexico boundary. When efforts to secure congressional funding resulted in a government shutdown, he declared a national emergency to obtain the necessary resources for the project. Concurrently, the administration implemented a zero-tolerance policy under which individuals crossing the southern border without authorization were arrested and prosecuted. Additional measures included increasing personnel deployment at the border and imposing travel bans on certain refugees, as well as introducing new restrictions on asylum seekers, although attempts to terminate the Deferred Action for Childhood Arrivals (DACA) program ultimately failed. At the subnational level, the administration sought to withhold federal funding from sanctuary cities and local jurisdictions that declined to comply with federal immigration enforcement priorities, intensifying the ongoing conflict between federal authority and state autonomy ³⁷.

Since Trump's inauguration in 2017, immigration has increasingly been framed as a threat to national security and employment, marking a departure from earlier bipartisan narratives that emphasized its economic and cultural benefits. This reframing contributed to the breakdown of policy consensus and widened disagreements over both the goals and instruments of immigration policy. While



the administration's rhetoric centered on a narrow set of highly visible objectives, more consequential changes occurred through less prominent measures, including expanded deportation priorities, sharp reductions in refugee admissions, stricter asylum eligibility, the termination of temporary protections for over one million immigrants, and slower visa processing³⁸.

Despite the president's intense emphasis on immigration, many of the administration's initiatives encountered significant legal and political resistance. An increasing number of states and local governments declined to cooperate with federal immigration authorities, while several court decisions blocked or suspended key policies. These included early versions of the travel ban, efforts to terminate the (DACA) program, and the family separations that resulted from the "zero-tolerance" policy mandating criminal prosecution of all unauthorized adult border crossers. In addition, none of the administration's legislative proposals secured congressional approval, nor did lawmakers authorize the substantial funding required for the construction of the proposed wall along the U.S.–Mexico border, despite the completion of prototype testing³⁹.

These tensions were not isolated to the Trump administration but rather reflected broader structural consequences of congressional inaction and the evolving role of state and local governments in immigration policy. The failure to chart a consistent legislative course for national immigration policy has propelled centrifugal forces at the state and local level, with three notable consequences. First, state and local governments have grown increasingly assertive in pressing their claims to policy authority via legislation, resolutions, executive actions, and court challenges. Second, wide policy differences have emerged across states, as have policy contradictions and conflicts within some states. Finally, while the federal government retains plenary power over immigration policy, the breadth of state and local laws governing immigrant lives increasingly constitutes a de facto encroachment into that authority⁴⁰.

Overall, the Trump administration's immigration agenda underscores the constraints imposed by immigration federalism on unilateral executive action. Despite aggressive policy initiatives and securitized rhetoric, federal efforts repeatedly encountered congressional paralysis and a decentralized system that empowered subnational actors. Rather than consolidating federal authority, these dynamics intensified state and local resistance, positioning states as central actors in immigration governance. The next section examines state and local reactions to Trump's immigration policies and assesses how these responses reshaped state–federal relations during his presidency.



THE THIRD TOPIC : STATE-FEDERAL RELATIONS UNDER TRUMPS IMMIGRATION POLICIES

As both a presidential candidate and officeholder, Donald Trump consistently expressed opposition to immigration and pursued policies aimed at restricting the entry and continued presence of immigrants in the United States, particularly those originating from non-European regions. Rhetorical hostility toward immigration was translated into concrete policy measures, including the implementation of the Muslim travel bans, the “zero tolerance” enforcement policy directed at Mexican and Central American noncitizens, and a range of additional initiatives designed to reduce immigrant admissions. Proposals to limit legal immigration further indicate an overarching effort to substantially curtail immigration flows. When situated within the historical development of U.S. immigration law, these policies reflect a departure from the post-1965 framework and a reorientation toward earlier exclusionary models. Collectively, this policy agenda reshaped federal immigration enforcement and intensified state–federal tensions, positioning immigration as a central issue in intergovernmental relations⁴¹.

For more than a century, the federal government has exercised primary authority over the formulation of immigration law. The implementation and enforcement of these laws, however, have increasingly unfolded within a framework of cooperative—and at times contested—federalism. In response to growing resistance from state and local governments to the Trump administration’s intensified enforcement agenda, federal immigration authorities have increasingly turned to judicial avenues, making litigation a central strategy for asserting federal priorities⁴².

Over the past decade, persistent congressional paralysis and reliance on executive action have intensified the decentralization of U.S. immigration policy, prompting heightened activism by states and localities. During the early Trump years, federal rhetoric and contested executive measures acted less as sources of coherent leadership than as catalysts for state and local responses. As under the Obama administration, attempts by the federal government to reassert control instead generated sustained resistance, with states and municipalities mounting legal and practical challenges to federal initiatives, even in areas traditionally governed by federal authority⁴³.



Reich argues that the emergence of “new immigration federalism,” shaped by developments under Clinton and Bush, has empowered states and localities to assert significant influence over immigration policy. He contends that Trump’s early policies, despite his anti-immigrant rhetoric and unified Republican control of Congress, faced persistent resistance from state and local actors, highlighting how immigration federalism continues to constrain even ambitious presidential initiatives ⁴⁴.

The Trump administration found that efforts to unilaterally reshape U.S. immigration policy required managing highly energized and assertive state and local actors while attempting to compel an often indecisive Congress into action. In this environment, state resistance continued a trend toward coordinated efforts by state attorneys general, typically along partisan lines. Like-minded states increasingly banded together through federal lawsuits and amicus briefs to obstruct or block presidential initiatives. Beyond states, city mayors and city councils also emerged as active participants in resisting federal policies, further complicating the administration’s enforcement agenda ⁴⁵.

In fact, Trump’s major executive orders on immigration, including the threat to withhold federal funds from “sanctuary cities,” were met with swift legal challenges from states and municipalities. California, along with cities such as San Francisco, Chicago, Philadelphia, Seattle, and Portland, filed lawsuits that resulted in injunctions blocking the administration’s actions, demonstrating the significant role of state and local actors in resisting federal immigration policy ⁴⁶.

Generally speaking ; the Trump administration’s restrictive immigration agenda unfolded within a fragmented federal system characterized by congressional inaction, executive unilateralism, and heightened state and local activism. While policies such as the Muslim travel bans, zero-tolerance enforcement, and efforts to penalize sanctuary jurisdictions marked a departure from the post-1965 framework, they did not consolidate federal authority. Instead, these initiatives intensified immigration federalism, prompting coordinated legal and political resistance from states and municipalities. In this context, Trump’s executive orders became key sites of state–federal conflict, making their impact on state reactions central to understanding intergovernmental relations during his presidency.



FIRST REQUIREMENT: SANCTUARY CITIES AND STATE

Over time, increased federal efforts to enlist state and local law enforcement in immigration enforcement have prompted some communities across the United States to adopt—or be designated with—the label of “sanctuary” jurisdictions. These jurisdictions exist at multiple levels of government, including cities, counties, and states; however, their policies, legal frameworks, and modes of operation vary significantly, reflecting localized political, legal, and institutional contexts⁴⁷.

Within this broader federal context, while immigration is primarily governed by federal law, local governments are nonetheless affected and must develop policies to manage immigration-related issues, including requests from federal agencies such as Immigration and Customs Enforcement (ICE). As a result, the federal government often seeks to enlist local law enforcement in immigration enforcement, but localities are under no legal obligation to comply, and such cooperation can strain relationships with immigrant residents and communities. Consequently, many local governments implement “sanctuary” policies, limiting local participation in federal enforcement and affirming that municipal services are accessible to all residents regardless of citizenship or immigration status. These policies take diverse forms and may cover multiple aspects of local operations⁴⁸.

Through the adoption and expansion of sanctuary policies, city, county, and state governments have increasingly sought to limit their entanglement in federal deportation efforts, thereby asserting a measure of autonomy within the framework of immigration federalism. As the Trump administration intensified surveillance, detention, and deportation practices in 2018, the absence of clear policy boundaries in many jurisdictions became increasingly untenable. In response, sanctuary policies emerged as a critical mechanism through which subnational governments could resist federal enforcement priorities by disentangling local law enforcement from ICE. More than symbolic gestures, these policies have played a tangible role in keeping families together and preserving the social cohesion of local communities. Importantly, this resistance unfolded despite the overt xenophobia and racialized rhetoric emanating from the leadership of the Department of Justice (DOJ) and the Department of Homeland Security (DHS). Over the past year, sustained community organizing pressured local officials to restrict the use of municipal resources for federal immigration enforcement, underscoring how state and local actors became central sites of contestation in the implementation of Trump-era immigration policy⁴⁹.



In this political climate, and in response to the Trump administration's hostile rhetoric and aggressive immigration agenda, communities and organizers across the United States pressed local governments to adopt policies that distanced municipal agencies and resources from federal immigration enforcement efforts ⁵⁰.

Although sanctuary is often understood primarily in the context of civil immigration enforcement, its scope extends far beyond this narrow interpretation. Numerous communities have implemented "welcoming city" or similar policies that commit to the respectful and equitable treatment of all residents, irrespective of national origin, race, religion, gender identity, or disability. These initiatives represent a local response to restrictive federal immigration measures during the Trump administration, including the Muslim travel bans and reductions in refugee admissions. Rather than focusing solely on enforcement resistance, such policies seek to foster immigrant inclusion by promoting belonging and facilitating access to language instruction, education, employment opportunities, and civic participation ⁵¹.

Within this broader category, Sanctuary jurisdictions consist of cities, counties, and states that have enacted laws, ordinances, regulations, resolutions, or administrative practices that limit cooperation with federal immigration enforcement. These policies may include declining to comply with (ICE) detainer requests, imposing restrictive conditions on their acceptance, limiting federal access to individuals in local custody, or otherwise constraining communication and information sharing between local authorities and federal immigration officials ⁵².

These limitations on cooperation with federal immigration authorities have been sharply criticized by the Trump administration. From the administration's perspective, sanctuary policies were portrayed as undermining public safety and obstructing law enforcement efforts. Reflecting this view, Attorney General Pamela Bondi argued that such policies "impede law enforcement and put American citizens at risk by design," and affirmed that the Department of Justice would pursue litigation against sanctuary jurisdictions while coordinating with the Department of Homeland Security to eliminate these practices nationwide ⁵³.

Taken together, sanctuary policies illustrate how state and local governments have asserted meaningful resistance to the federal government's restrictive immigration agenda during the Trump administration. By limiting cooperation with federal enforcement and expanding inclusive local frameworks, these jurisdictions transformed immigration policy implementation into a contested



arena of federal–subnational relations. This pattern of decentralized resistance did not end with enforcement-based conflicts, however. Rather, it extended to other hallmark policies of the Trump era, most notably the executive orders instituting the travel ban, which provoked widespread opposition and legal challenges from states and municipalities alike.

SECOND REQUIREMENT: THE TRAVEL BAN AND STATE OPPOSITION

Trump's early immigration actions signaled a forceful effort to redirect federal policy, encompassing both unauthorized and legal immigration. Within his first week in office, he issued an executive order imposing a ninety-day suspension on the entry of most immigrants from Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen⁵⁴. The administration justified these travel restrictions as necessary to protect the United States from terrorism and public safety threats; however, empirical evidence casts doubt on this rationale. Research suggests that most foreign-born violent extremists in the United States are radicalized well after entry, making nationality an unreliable indicator of terrorist risk. In addition, nationals of the targeted countries were already subject to extensive visa screening and background checks across multiple government databases, raising questions about the marginal security benefits of the bans⁵⁵.

Beyond security concerns, the revised travel ban drew immediate criticism from members of Congress and other stakeholders due to its anticipated economic and social consequences. Specifically, it was expected to disrupt American businesses, universities, and research institutions by limiting their ability to recruit employees, students, and scholars from the affected countries. At the same time, the policy risked deterring investment, employment, and tourism even from non-banned countries, thereby undermining broader economic interests. Finally, the restrictions threatened to separate families and restrict access to refuge for individuals fleeing persecution, amplifying humanitarian and legal concerns surrounding the administration's approach⁵⁶.

These broader implications, in turn, translated into political and legal opposition at the subnational level. The travel ban quickly triggered a familiar pattern of executive assertion and state resistance. Democratic-led states responded almost immediately by challenging the order in federal court, securing temporary



injunctions in Hawaii and Maryland. Washington, Minnesota, and Hawaii emerged as lead plaintiffs, supported by amicus briefs from seventeen other states, a coordinated effort that compelled the administration to revise and reissue the executive order in March 2017⁵⁷.

Even after revision, Trump's efforts to reshape both legal and unauthorized immigration continued to face sustained state-level opposition. Revised versions of the travel ban issued in March and September 2017 prompted further legal challenges, underscoring states' determination to contest federal immigration policies traditionally viewed as a federal prerogative. Taken together, these confrontations highlight how Trump's early immigration agenda not only redefined national policy priorities but also intensified tensions within the framework of immigration federalism⁵⁸.

In sum, the legal and political battles surrounding the travel ban exemplify how early executive actions under the Trump administration transformed immigration policy into a central arena of federal–state conflict. By mounting coordinated legal challenges, states not only contested the substance of the travel restrictions but also asserted their role as institutional checks on expansive executive authority. These confrontations revealed the limits of unilateral federal action and foreshadowed subsequent struggles over the allocation of power and resources in immigration governance. The next section turns to disputes over border wall construction and federal funding, where conflicts between the administration and subnational governments became even more pronounced through fiscal coercion and constitutional challenges.

THIRD REQUIREMENT: BORDER WALL AND FEDERAL FUNDING DISPUTES

President Donald J. Trump made the completion of a border wall a central pillar of his immigration agenda, repeatedly framing it as the fulfillment of a core campaign promise and a symbol of his broader commitment to border security. From the outset of his presidency, the administration emphasized the wall as a necessary instrument to enhance border control, deter unauthorized migration, and strengthen enforcement capacity along the U.S.–Mexico border. To advance this objective, the Trump administration sought both to redirect previously allocated federal funds and to secure additional congressional appropriations to



support the construction of new segments of border fencing, alongside expanded technological and security measures.⁵⁹

On January 25, 2017, President Donald J. Trump issued an Executive Order mandating the “immediate construction of a physical wall on the southern border” of the United States. The Executive Order proposed the construction of a physical, contiguous, and impassable barrier along the southern border, consistent with the Secure Fence Act and IIRIRA, as a means of deterring unauthorized migration. The response to the Executive Order was sharply divided, generating both support and significant opposition at the federal, state, and local levels. Notably, although the construction of an international border wall ultimately depends on congressional approval of federal funding, some of the most formidable challenges associated with the project lay not solely in its financial costs, but in the legal and political complexities of land acquisition⁶⁰.

Nevertheless, Congress proved unwilling to fully endorse the scale and scope of the administration’s funding demands. Between FY2017 and FY2020, while the Trump administration requested more than \$13.27 billion for border barrier construction, lawmakers appropriated only approximately \$4.47 billion through the Department of Homeland Security (DHS). Moreover, congressional funding was accompanied by restrictive conditions, including geographic limitations to specific Border Patrol sectors and detailed design requirements. These constraints reflected deliberate legislative efforts to limit executive discretion and reassert congressional authority over border wall implementation⁶¹.

Beyond these institutional conflicts, the border wall proposal itself generated significant practical, financial, and environmental concerns. Although often portrayed by the administration as a straightforward solution to national security challenges, the project faced substantial legal obstacles, escalating costs, and ecological consequences across the border region. In addition to its contested effectiveness as an enforcement mechanism, the wall carried broader social and economic implications for border communities. Collectively, these challenges intensified opposition and laid the groundwork for deeper disputes over federal funding and subnational resistance⁶².

Against this backdrop of congressional constraint and mounting controversy, President Trump declared a “national emergency” in February 2019 in order to redirect federal funds toward border wall construction after a prolonged government shutdown failed to produce congressional approval. This move exemplified the administration’s increasing reliance on unilateral executive action to advance its restrictive immigration agenda in the face of legislative resistance.



The emergency declaration had immediate and far-reaching implications for states, particularly those along the southern border, which were forced to contend with the legal, fiscal, and political consequences of federally imposed priorities. Rather than generating uniform compliance, Trump's executive maneuvers intensified the decentralization of immigration governance, producing divergent state responses ranging from cooperation to open resistance. In this way, the border wall controversy reinforced the fragmented character of U.S. immigration federalism, highlighting the increasingly prominent and contested role of states during the Trump presidency⁶³.

The Trump administration's most controversial immigration initiative—Executive Order No. 13,767 mandating the construction of a border wall along the southwestern border of the United States—offers a critical lens through which to examine federalism and the scope of the federal eminent domain power. Gerald S. Dickinson in his academic work argues that, although the administration's approach intensified conflicts with state and local governments—many of which resisted the broader federal immigration agenda through independent policymaking and litigation—these disputes should not be understood solely as instances of “uncooperative federalism.” Instead, the border wall controversy reveals a neglected property-law dimension of federalism rooted in historical traditions of cooperation between the federal government and the states. According to Dickinson, recent congressional efforts to limit federal takings authority along the border reflect not merely political opposition to the wall, but a deliberate effort to revive earlier practices in which land acquisition for federal projects depended on state consent and intergovernmental collaboration⁶⁴.

Border security highlights the dual nature of federal–state relations. While the federal government holds primary responsibility for securing national borders and enforcing immigration laws, states and localities often collaborate closely with federal agencies such as Customs and Border Protection and ICE. At the same time, tensions arise as some states have enacted laws prohibiting local law enforcement from cooperating with federal immigration authorities, whereas others require such collaboration. This variation demonstrates how federal and state governments navigate a balance between autonomy and coordination in implementing border security policy⁶⁵.

FOURTH TOPIC : FROM COOPERATION TO CONFLICT: FEDERAL GOVERNEMENT VS LOCAL STATES

Federal–state relations are complex and multifaceted, encompassing legal, financial, and political dimensions. These relationships can range from



cooperative collaboration to sharp conflict, with different levels of government sometimes working together smoothly and at other times clashing over authority, resources, and policy priorities ⁶⁶.

Building on this understanding, Rebecca Bromley-Trujillo and Michael Dichio argue that American federalism has shifted from a model grounded primarily in intergovernmental cooperation to one increasingly defined by conflict and coercion between federal and state governments. In “The State of American Federalism 2024–2025: Resisting and Reinforcing the Rise of the Transactional Presidency,” they contend that the expansion of the administrative and transactional presidency—under both Donald Trump and Joe Biden—has intensified reliance on executive action and conditional federalism, often bypassing Congress and provoking state resistance. As a result, federal–state relations have increasingly taken the form of adversarial struggles over authority, compliance, and autonomy, with states alternately resisting or reinforcing presidential power ⁶⁷.

It is within this broader structural shift toward executive-centered governance that the Trump presidency must be situated. Donald Trump was arguably the most rhetorically transgressive president in U.S. history, yet he is unlikely to be among the most transformative. Rather, he can be understood as a product of a dysfunctional political order, one in which rhetorical transgressions undermined the presidency’s most critical resource—persuasiveness. Trump confronted a deeply divided Republican Party, a resistant Democratic opposition in Congress, and even members of his own party who questioned his legitimacy as their leader. His first budget proposal, which envisioned sweeping and transformative cuts, was largely ignored by Congress; congressional Republicans failed to repeal the Affordable Care Act (ACA); and Democratic state attorneys general initiated an unprecedented wave of litigation to block Trump’s immigration orders and other policy initiatives. In domestic policymaking, therefore, the Trump presidency is best understood as an interlude rather than a radical departure from established political practices. Nevertheless, Trump’s most consequential impact on American federalism stemmed from his reliance on executive action and coercive strategies, which intensified intergovernmental conflict and reshaped state–federal relations ⁶⁸.

Consistent with this pattern, the Trump administration exemplified the growing centralization of executive power within the administrative presidency, using executive orders, regulatory actions, and bureaucratic restructuring to bypass Congress and shape policy unilaterally. In policy areas such as immigration, environmental regulation, and federal spending, these actions intensified conflicts with state and local governments, producing divergent responses across the federal



system. Measures such as cuts to federal grants and the creation of ad hoc entities like the Department of Government Efficiency illustrate a form of coercive or transactional federalism, in which the federal government leveraged authority and resources to influence state behavior, often provoking resistance and underscoring the contentious and centralized nature of contemporary federal–state relations⁶⁹.

At the same time, these developments should not be interpreted as evidence of a complete rupture in the federal system. Although policy changes from one presidential administration to another are common in this era of political polarization, continuity continues to outweigh discontinuity within American federalism. This persistence reflects the highly institutionalized and path-dependent nature of the system's coexisting federal arrangements. Nevertheless, the long-term trajectory of American federalism appears increasingly dysfunctional. Heightened centralization is eroding the system's dualist foundations, while the expansion of coercive federalism is diminishing the cooperative dimension of intergovernmental relations. As a result, cooperative federalism risks being reduced to a model in which state and local governments function primarily as administrative agents implementing federally designed programs, rather than as autonomous partners in governance⁷⁰.

Despite these recurring conflicts, cooperation remains an enduring and essential feature of American federalism. Informal networks, technical assistance, and joint programs continue to facilitate collaboration between states and the federal government, particularly in areas such as disaster response, law enforcement coordination, and federally supported initiatives like cybersecurity protection. Even as states resist federal mandates or executive actions, these cooperative mechanisms reveal that federal–state relations are best understood as a dynamic mix of conflict and collaboration rather than a purely adversarial system⁷¹.

At the local level, this dual dynamic is equally evident. Local governments frequently work in coordination with state and federal agencies to implement policies and deliver public services. For example, local police departments may receive federal funding and training to combat drug trafficking or gang activity. Beyond law enforcement, local governments often collaborate with state agencies on transportation planning, environmental protection, and public health initiatives. Such intergovernmental cooperation depends on clear communication, shared objectives, and mutual respect for the distinct roles and authority of each level of government, even amid broader structural tensions within the federal system⁷².



FIFTH TOPIC : FEDERALISM CONFLICTS AND THEIR IMPACT ON U.S. NATIONAL UNITY

From the perspective of national unity, neither cooperative nor coercive federalism implies a unitary system of government. Instead, both operate within a highly institutionalized structure that preserves substantial state and local authority while simultaneously binding subnational governments into a shared national policy framework. States and localities retain autonomy over core areas such as education, law enforcement, land-use planning, and family law, which can reinforce pluralism and accommodate regional diversity. At the same time, their central role in financing and implementing federal policies in areas such as health care, transportation, education, and environmental protection fosters functional integration across the federation ⁷³. Thus, federalism is inherently a balancing act: it allows diversity and local responsiveness while attempting to maintain national cohesion.

Nevertheless, this balance can be fragile. As Kincaid (2017) notes, the coexistence of dual, cooperative, and coercive federalism in contemporary America has unfolded alongside historically unprecedented levels of federal centralization. Expanding federal funding, regulatory oversight, and agenda-setting authority has increasingly shaped policy outcomes across the intergovernmental spectrum. Although centralization can promote coherence, it often intensifies intergovernmental conflict, undermines trust between levels of government, and fuels partisan polarization. In practice, these tensions reveal that federalism can simultaneously sustain national governance and expose its vulnerabilities, particularly under conditions of political conflict or coercion ⁷⁴.

Immigration policy provides a vivid illustration of this dynamic. While the U.S. Constitution grants primary authority over immigration to the federal government, state and local governments have occasionally resisted or reinterpreted federal mandates, creating a patchwork of enforcement. During the Trump administration, the expansion of restrictive ICE enforcement practices prompted many cities and states to adopt sanctuary policies, limiting local cooperation with federal authorities. In turn, the federal government threatened to withhold funds, and some municipalities declared themselves “anti-sanctuary,” refusing to comply with state mandates. These conflicts highlight how federalism can produce uneven policy implementation across the country, raising questions about the coherence and unity of national governance ⁷⁵.

Moreover, these disputes are deeply intertwined with partisan polarization. By 2020, over 40% of Americans lived in sanctuary jurisdictions,



mostly in states and cities led by Democratic officials. Federal attempts to impose uniform policies—such as the travel restrictions commonly referred to as the “Muslim ban”—were delayed or modified due to multi-state lawsuits. This interplay of federal authority, state resistance, and partisan alignment demonstrates that American federalism not only shapes policy outcomes but also reinforces social and political divisions, underscoring the fragility of national cohesion during periods of high polarization⁷⁶.

Taken together, these developments invite a broader assessment of how federalism itself affects national cohesion during periods of intense polarization. Ultimately, the Trump presidency illustrates the dual-edged nature of federalism for national unity. Americans were politically and socially divided before Trump and remained divided after he left office. Yet, the partisan divide between states and the federal government in the United States is deeper than in many other federal systems, producing fragmented policy approaches and limited intergovernmental cooperation. By consolidating the dynamics of federalism into the presidency's institutional prerogatives, Trump accelerated tensions between national governance and state autonomy. Consequently, while federalism sustains pluralism and local empowerment, it can also amplify divisions, create uneven policy landscapes, and challenge the integrative capacity of the federal government, underscoring its complex role in shaping national unity⁷⁷. In this way, federalism supports local diversity and state authority but also increases divisions, creates inconsistent policies, and makes national coordination more difficult.

Conclusion:

This paper examined the relationship between American federalism and immigration policy, focusing on how the division of authority between federal, state, and local governments has shaped policy outcomes and intergovernmental relations. The analysis confirms that immigration has become one of the most persistent and contentious arenas of federal–state conflict in the contemporary United States. Although the federal government has historically retained primary authority over immigration, states and localities have increasingly intervened in response to perceived federal inaction, uneven enforcement, and disproportionate fiscal and social burdens.

The findings demonstrate that state involvement in immigration policy has taken both restrictive and integrative forms, reflecting divergent political priorities and local conditions. Measures such as Proposition 187 and S.B. 1070



illustrate how subnational governments have attempted to assert autonomy by limiting access to public services and expanding local enforcement, thereby intensifying constitutional disputes and intergovernmental tension. At the same time, more recent state and local initiatives aimed at immigrant integration highlight the growing complexity of immigration federalism and the varied roles subnational actors play within the existing federal framework.

Overall, the analysis shows that immigration federalism has strained national unity by fragmenting policy implementation, politicizing enforcement, and reinforcing polarization between levels of government. Efforts to transfer primary immigration authority to the states are shown to be incompatible with the constitutional principle of federal supremacy and the national interest, particularly given the foreign policy implications of immigration regulation. The persistence of legal challenges and policy conflicts further underscores the limitations of an adversarial approach to immigration governance.

In conclusion, the paper finds that the central problem in U.S. immigration federalism lies not in the federal structure itself, but in the lack of effective intergovernmental coordination. Without coherent federal leadership and clearly defined roles for states and localities, immigration policy remains a source of institutional conflict rather than cooperative governance. The evidence presented confirms that unresolved federalism tensions continue to shape immigration policy outcomes and weaken the capacity of the American political system to respond effectively to the immigration challenge.

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