**TEXAS VERSUS THE FEDERAL GOVERNMENT ON IMMIGRATION**

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**Introduction**

Immigration issues in the United States have been a major cause of debate among members of the community. In particular politicians, lawmakers, civil rights activists, and interest groups have increasingly voiced their concerns concerning the issue of immigration. According to Immigration Policy Center (2010), there are approximately between ten and eleven million immigrants who have managed to enter the country illegally and are hence undocumented. Issue of immigration within the US arise from concerns over the inadequacy of the number of available visas to legally allow both low skilled and high skilled labor into the country to address the country’s changing labor market band economy, workplace and wage violations, family members’ separation, and the insufficiency of the government infrastructure that leads to delays when it comes to integration of such immigrants into citizenship (Immigrant Policy Project, 2010). States, especially Texas, and the Federal government have from time to time locked horns when it comes to issues of immigration. This paper is going to investigate issues of concerning immigration that have led to conflict between the Texas State government and the federal government.

**Conflicts between Texas and the Federal Government on Issues of Immigration**

The federal government has established various laws in view of regulating the flow of immigrants into the US. Such laws have extended towards limiting the access of employment opportunities and other services for immigrants who have not been legally registered. Nevertheless, in as much as such laws have been established, some of the state government feel like the federal government has not done enough to enforce them, or that the laws are ineffective in minimizing illegal immigration (Hopkins, 2010a, p. 44). Texas is one of the states that has come into conflict with the federal government on various occasions with regards to the enforceability of laws including immigration laws. Texas, like North Carolina, has increasingly pushed for restrictive policies when it comes to unauthorized immigrants. Such a push has been directed towards more local enforcement of the policies developed by the federal government towards immigration, and the establishment of State level policies that would restrict the access of unauthorized immigrants to citizenship, employment, and other state services. However, a combination of Democratic enclaves, Latino voters, and a division between rank-a-file voters and Republican party business elites has led to a varied take concerning the adoption of restrictive and accommodating policy initiatives (Newton, 2008, p. 113). Due to the federal government’s failure to enact immigration reforms, the Republican party in Texas has increasingly pushed for the development of policies that would restrict illegal immigration into the state. During the legislative sessions in 2009 and 2011, there were various proposals from the Republican party of bills that would discourage employment of unauthorized immigrants, prohibit municipalities from enforcing the federal laws selectively, and revoke instate tuition (Newton & Adams, 2009, p. 411). The Republican front in Texas currently supports the suspension of automatic citizenship with reference to the children of immigrants, who were born in the US, the elimination of any of the laws that allow hospitals to offer undocumented immigrants non-emergency treatment, creation of criminal penalties against those employers who employ undocumented immigrants knowingly, and sending more US troops to the border to secure it in order to reduce the number of immigrants entering into the country illegally.

The stance held by the Texas government has increasingly been based on the argument that in as much as the immigrants play a major role in supplying the labor market, having an increased number of unskilled unemployed immigrants bin the state has been a major source of crime and other crime related activities (Waslin, 2010, p. 109). The Texas government feels like the federal government has remained insensitive to the gross nature of the level of insecurity brought about by immigration. On the other hand, the federal government has strived to establish both restrictive and accommodative measures. An aspect that has made it slow in terms of enforcing the restrictive measures. For over a century, the Supreme Court has held that immigration regulations are exclusively under the federal government and that any state or local government that established laws to regulate immigration violates the law (Wroe, 2008, p. 221). Such exclusive powers of the federal government are based on the US constitution’s War Power Clause, Commerce Clause, Migration and Immigration Clause, and Naturalization Clause. Texas, among other states such as California have attempted to establish laws that would govern immigration since the past, which have been rendered as unconstitutional by the federal government. Case in point, in Texas, Farmers Branch, the state government passed an ordinance requiring all governments to establish the immigration status, of any of any residents that would need to rent a house from them. According to the court, this ordinance was illegal as it unconstitutionally aimed at regulating immigration (Guizar, 2007).

One of the ways through which the Texas state government has strived to reduce immigration is denying immigrant children who have not been documented access to public education. This has been a major source of conflict between the state and the federal government with the federal government showing lenience with regards to the law. In 1982, Texas imposed a fee of $1000 dollars for tuition on immigrant children for them to be able to access education in public schools. In addition, these children were denied state education funding. This issue was contested by the federal government and in the case *Plyler v. Doe*, such an imposition was considered unlawful and hence was struck down (Plyler v. Doe, 1982). To counter the states argument that such a law was aimed at reducing the rate of immigration into the state and the resultant cases of increased unemployment and crime, the court argued that the law would create a class of illiterates within the US boundaries, an aspect that would further lead to increased costs of welfare, unemployment, and crime incurred by the state.

In 1997, Texas filed a lawsuit against the US federal government with the claim that the federal government had failed to enforce the established policies on immigration (Texas v. United States, 1998). The state, among other states, claimed that the failure of the government to enforce the laws had caused them disproportionate costs that the federal government was under obligation reimburse them under the Naturalization Clause of the constitution. The US Courts of Appeal established that the US Federal government was under no obligation with reference to the naturalization clause, to reimburse the costs incurred by the states as a consequence of the alleged invasion of unauthorized immigrants. Texas also claimed that the federal government was obligated to compensate the state in terms of the costs incurred from illegal immigration under the Guarantee Clause of the US constitution, a claim that was equally rejected by the courts. According to the clause, each state within the US is guaranteed a Republican Form of Government by the US federal government (Chuang, 2011, p. 45). As such, Texas sued the federal government because they felt that they had been deprived of a such a government by the federal government as it forced them to incur monetary expenses on illegal aliens when they would not have incurred such expenses if such immigrants were removed or excluded from the US. The courts established that in as long as the method of functioning of the Texas state government remained unchanged, then the court had not been deprived a Republican form of government as they were free to use the polls to hold federal and state officials accountable for their policy choices (Haynes & Wintz, 2016, p. 98).

In the case *Texas v. The US*, Texas also claimed that the failure of the federal government to enforce immigration legislations was a violation of the Invasion Clause. The Clause requires the federal government to offer protection for the states in the wake of invasions (Martinez & Hardwick, 2009, p. 51). According to the courts, the determination of how immigration laws were to be enforced lied in the hands of the executive and legislative branches of the government and that it was within the jurisdiction of such branches to determine when an entry of aliens into the country or a state could be deemed as an invasion. The dominance of Democrats in the executive and legislative branches has nevertheless opposed then stance held by the states considering the status of the immigrants. The push for the DACA and DAPA laws by the federal government has led to further conflict with the Texas state government, with the latter believing that the federal government is continually failing in carrying out its mandate of minimizing the illegal entry of immigrants into the country and the state (Romo & Mogollon-Lopez, 2016, p. 268). The policies are meant to ease the path towards attainment of citizenship among immigrants, especially those born in the US.

**Conclusion**

It is clear that the federal government and the Texas state government hold different positions when it comes to the issue of immigration. The federal government has been lenient in enforcing the laws on immigration, while the state governments are increasingly pushing for stricter laws that would allow for minimized entry of immigrants into their jurisdiction. Nevertheless, it is important to note that the efforts put in place by the state governments are impaired as the power to control immigration and to establish and enforce such laws lies with the federal government. The state of Texas, which is predominantly republican has put in place various measures that would minimize the access of the immigrants to various social services such as education and health services, as well as employment, all of which have resulted in conflicts with the federal government. Some of these conflicts have led to litigations and filing of charges in the costs. Among other arguments, one of the most prominent arguments upheld by the Texas state concerning the issue of immigration involves the cost that they have to incur as a result of the government’s failure to control immigration, in terms of unemployment and crime. To settle such an issue, there is a need for conscience to be established between the federal government and the state governments on the areas of concern as the states form an important part of implementation of the laws established by the federal. Government.

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