

Federalism (immigration)



**ASSIGN
BUSTER**

Federalism is a term used to describe a government where power is divided between the state and national government. Some powers are reserved for the state while some are given to the national government. Subsequently, both parties have the same powers. This form of government was developed by the United States Constitution and generally, describes the basic governing structure of America. A clear example of federalism is the aspect of immigration. The article ‘ Immigration Federalism: Which Policy Prevails?’ by Monica Varsanyi talks about the immigration policy, the division and enforcement of immigration policies between the state and federal governments. It looks at the challenges that arise from the current trends in implementation of immigration policies. This is based on two studies, the city policy chiefs and the county sheriffs.

According to Varsanyi (2012), the significance of enforcing immigration policies is important for both the individuals and the community. This raises essential issues about who belongs and who does not. The Federal government was solely responsible for enforcing the nation’s immigration laws, with the state merely supporting the process upon request. In the recent past that has dramatically changed, with the federal government slowly passing enforcement power down to the state. Consequently, it has offered to train police officers and other local law enforcement agencies to screen and arrest suspected aliens. Recently, a law was introduced that asked the local police to provide assistance in immigration issues. However, the Supreme Court revised the Arizona’s SB1070 law declaring that some of its aspects were beyond the state’s power to implement. Nevertheless, the

court allowed the officers to question suspected immigrants while they impose the law.

Immigration is, therefore, an example of federalism, given that the constitution gives the federal government control over immigration issues, while the state holds a supportive stand over the same. Delegation of immigration laws became federal policy in 1996 and invited the local enforcement agencies to sign a partnership to help deal with immigration issues (Varsanyi, 2012). Some parties believe that the Federal government does have the capability to enforce immigration law and the state government should be put into very good use. The local and state law officials for a long time have played a part in dealing with immigration issues. The state is in charge of primary responsibilities like arresting suspects and criminals. In my opinion, the Federal government should be in charge of immigration issues and the state should also play a supportive role.

Criminal issues have often been left for the local and state government, while civil responsibilities have been delegated to the Federal government. I believe that this whole issue about immigration should be both the state and Federal government's responsibilities. Shared jurisdiction would help to solve and enforce immigration laws. The state is responsible in the identification and arresting of suspected aliens, on the other hand, the federal government should oversee these actions. Hence, responsibilities should be shared. According to the events, both parties will soon share jurisdiction over immigration laws.

Dual Federalism is a term used when governmental power is divided into two parts; one part belongs to the Federal government while the other to each voter state. Generally it is the idea of balancing power and maintaining this balance. Varsanyi (2012) asserts that today Federal government deals with immigration. Despite having different functions, responsibilities of the nation and state do not differ much from dual Federalism because the two governments work hand in hand to enact immigration laws.

In conclusion, federalism enables a nation to share responsibility between the Federal and State government. Immigration is just one instance of Federalism in the United States. Responsibility in my opinion should be shared to ensure efficiency in law making. Responsibility today is changing from single sided to dual Federalism.