Sanctuary Jurisdictions and Federal Immigration Enforcement After the $70 Billion Appropriation: A Review of Federalism, Preemption, and Spending-Power Challenges

Oghenehoro Evi Eni

Immigration & Business Law Scholar, USA

ABSTRACT

Sanctuary jurisdictions remain a major source of legal and political disagreement in the United States, over the extent to which state and local governments may limit their participation in federal immigration enforcement. The debate has gained renewed importance following the enactment of the Secure America Act in 2026, which provided approximately $69.5 billion in additional funding for immigration and border-enforcement activities involving agencies including U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and the Department of Homeland Security (DHS) (Congressional Budget Office [CBO], 2026). This review examines the legal position of selected sanctuary policies, with particular attention to restrictions on immigration detainers, information sharing, and the use of state and local personnel in federal immigration enforcement. The analysis distinguishes three related but separate constitutional questions. First, federal preemption concerns whether a state or local policy conflicts with, or is displaced by, valid federal law. Second, the anti-commandeering doctrine addresses whether the federal government may require state or local officials to administer or enforce a federal regulatory programme. Third, conditional federal spending concerns the circumstances in which Congress may attach conditions to federal funds and the constitutional limits on coercive financial pressure. Drawing on federal statutes, Supreme Court decisions, official court materials, congressional sources, and recent litigation, the review finds that federal authority over immigration is substantial but does not necessarily amount to exclusive control over every state or local policy affecting noncitizens. Likewise, state and local governments may retain discretion over the use of their own resources, although such discretion does not permit them to obstruct valid federal law. The review concludes that the 2026 funding expansion increases the practical importance of these disputes but does not alter the constitutional tests governing them. The central issue is therefore not simply whether federal immigration law is supreme, but how federal authority interacts with state and local autonomy in particular forms of cooperation or non-cooperation.

Keywords: Sanctuary jurisdictions; immigration enforcement; federalism; federal preemption; anti-commandeering; conditional federal spending; United States immigration law.

INTRODUCTION

Sanctuary jurisdictions have become one of the most debated issues in contemporary United States immigration law. The term generally refers to states, cities, counties, or other local governments that adopt policies limiting certain forms of cooperation with federal immigration authorities. Because there is no single federal definition of a "sanctuary jurisdiction," these policies vary considerably. For the purpose of this review, the discussion focuses on three common categories: **restrictions on compliance with immigration detainers, limitations on the sharing or use of immigration-status information, and restrictions on the use of state or local personnel and resources for federal immigration enforcement** (Aramayo, 2025; Aramayo *et al.*, 2025).

The sanctuary debate reflects a broader constitutional disagreement about the relationship between federal immigration authority and state and local autonomy. Congress has established a comprehensive statutory framework through the Immigration and Nationality Act (INA), while federal agencies within the Department of Homeland Security, including U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP), perform major immigration-enforcement functions. At the same time, state and local governments retain substantial responsibility for policing, public safety, detention practices, and the management of their own personnel and resources. The existence of substantial federal authority over immigration therefore does not automatically mean that every state or local policy affecting noncitizens is displaced or that state officials can always be required to assist federal authorities.

Many jurisdictions have adopted sanctuary policies for practical, legal, and policy reasons. Some maintain that local law-enforcement agencies should concentrate their resources on state and local public-safety responsibilities rather than civil immigration enforcement. Others argue that extensive involvement in immigration enforcement may affect trust between immigrant communities and local police, particularly where victims or witnesses fear immigration consequences. Concerns have also arisen regarding potential liability when local authorities continue to detain individuals solely on the basis of federal immigration requests (Aramayo *et al.*, 2025).

The federal government, however, has argued that some sanctuary policies interfere with the effective enforcement of federal immigration law. This disagreement became more prominent following the change in federal immigration policy after President Donald Trump returned to office in January 2025. Federal authorities have relied on litigation and other legal mechanisms to challenge selected state and local policies, including policies in Illinois and New York. These disputes raise different constitutional and statutory questions and should not be treated as a single doctrine (Aramayo, 2025).

The first of these questions concerns **federal preemption**. Under the Supremacy Clause, valid federal law may displace conflicting state or local law. In *Arizona v. United States* (2012), the Supreme Court invalidated several provisions of an Arizona immigration law after finding that they conflicted with the federal immigration framework. However, *Arizona* does not establish that the federal government has exclusive authority over every state or local policy that affects immigrants. Instead, the relevant inquiry depends on the particular form of preemption involved and whether the challenged state or local measure conflicts with federal law or interferes with federal objectives. Therefore, the question in sanctuary cases is not simply whether immigration is a federal matter, but whether a particular sanctuary policy is legally displaced by a valid federal rule.

A separate issue is the **anti-commandeering doctrine.** This doctrine concerns the constitutional limits on the federal government's ability to require states or state officials to administer or enforce a federal regulatory programme. In *New York v. United States* (1992), *Printz v. United States* (1997), and *Murphy v. National Collegiate Athletic Association* (2018), the Supreme Court reaffirmed that the federal government may not simply compel states to govern or enforce federal law according to federal instructions. In the sanctuary context, this principle in particular is relevant where federal authorities seek to require state or local officials to use their own personnel, facilities, or resources to assist in immigration enforcement.

Immigration detainers illustrate the difference between these doctrines. A dispute over whether a state or local government must comply with a federal detainer does not necessarily raise the same question as whether a state law is preempted. In *Galarza v. Szalczyk* (2014), the Third Circuit concluded that immigration detainers could not be treated as mandatory commands to local authorities. The decision is significant because compulsory participation would raise concerns under the anti-commandeering principle. Thus, a local government's refusal to perform a federal immigration-enforcement function may involve a constitutional question about compelled state participation rather than a preemption question about the validity of a state law.

Additionally, information-sharing restrictions raise another, related but distinct issue. Sections 1373 and 1644 of the INA address state and local restrictions concerning the exchange of information about citizenship or immigration status. Litigation involving these provisions has raised questions about the relationship between federal statutory requirements, preemption, and anti-commandeering. The legal analysis therefore depends on the specific federal provision and the specific local policy being challenged. A court must determine whether federal law validly preempts the state or local measure, whether Congress is regulating private or state conduct, or whether the federal government is effectively directing state officials to participate in a federal programme (Aramayo, 2025).

A third and analytically separate issue concerns **conditional federal spending.** Congress has authority to attach conditions to federal grants, but that authority is subject to constitutional limits. *South Dakota v. Dole* (1987) and *National Federation of Independent Business v. Sebelius* (2012) demonstrate that federal funding conditions may be permissible in some circumstances but may become constitutionally problematic when they lack adequate statutory authorization or become unduly coercive. This doctrine differs from both preemption and anti-commandeering. Preemption asks whether valid federal law displaces conflicting state law; anti-commandeering asks whether the federal government may compel state participation; and conditional spending asks whether Congress may encourage state action by attaching constitutionally permissible conditions to federal funds.

These distinctions have become increasingly important in the current enforcement environment. The expansion of federal immigration-enforcement resources in 2026 may increase the practical capacity of federal agencies to conduct immigration enforcement and may also intensify disputes concerning cooperation with states and local governments. However, an increase in federal funding does not itself change the constitutional standards governing preemption, anti-commandeering, or conditional spending. Therefore, the legal consequences of the new funding environment depend on the statutory authority supporting particular programmes and on the specific conditions, if any, imposed on states and local governments.

Recent litigation also demonstrates that these issues remain unsettled. In *United States v. Illinois*, the federal government challenged state and local restrictions involving immigration enforcement and information sharing. The litigation illustrates the importance of distinguishing between a state's decision not to provide assistance and conduct that may conflict with or obstruct valid federal law. The case provides a useful example of the continuing interaction between federal immigration authority, state autonomy, and constitutional limits on compelled cooperation (Aramayo, 2025).

Against this background, this review examines the legal position of selected sanctuary policies, especially those involving immigration detainers, information sharing, and restrictions on the use of state and local resources for federal immigration enforcement. The analysis is organized around three distinct legal frameworks: **federal preemption, the anti-commandeering doctrine, and conditional federal spending**. It also considers the broader federalism principles that shape the relationship between federal immigration authority and state and local autonomy. The review argues that federal immigration authority is substantial, but substantial authority is not the same as unlimited or exclusive control over every related state or local policy. The central legal question is therefore not whether the federal government may enforce immigration law, but whether, and under what constitutional or statutory authority, it may displace state policies, require state participation, or encourage cooperation through conditions attached to federal funding.

METHOD AND SCOPE OF THE REVIEW

This study uses a **doctrinal legal review** to examine the legal relationship between federal immigration enforcement and state and local sanctuary policies in the United States. The review is based primarily on authoritative legal materials, including the U.S. Constitution, federal statutes, enacted legislation and appropriations, Supreme Court decisions, federal court decisions, and official government and congressional materials. Congressional Research Service (CRS) publications and other relevant legal analyses are used as secondary sources to provide context and explain ongoing legal developments.

The review does not treat all sanctuary policies as identical. Instead, it focuses on three selected forms of state and local policies that frequently appear in legal disputes: **(1) restrictions on compliance with federal immigration detainers; (2) limitations relating to the sharing or use of immigration-status information; and (3) restrictions on the use of state or local personnel, facilities, or other resources to assist in federal immigration enforcement.** Limiting the scope in this way makes it possible to examine the relevant legal issues more precisely.

The analysis is organised around three distinct legal frameworks. First, **federal preemption** is examined to determine when valid federal immigration law may displace a conflicting state or local policy. The review considers the principles established in *Arizona v. United States* (2012), while recognising that substantial federal authority over immigration does not necessarily mean exclusive federal control over every state or local policy affecting noncitizens.

Second, the review examines the **anti-commandeering doctrine**, which concerns the constitutional limits on the federal government's power to require states or their officials to administer or enforce a federal regulatory programme. Particular attention is given to *New York v. United States* (1992), *Printz v. United States* (1997), and *Murphy v. National Collegiate Athletic Association* (2018). In the context of sanctuary jurisdictions, this framework is relevant to determining whether the federal government may require state or local officials to use their own personnel and resources to support federal immigration enforcement.

Third, the review considers **conditional federal spending** as a separate constitutional framework. This part examines the circumstances under which Congress may attach conditions to federal grants to encourage state or local cooperation. The analysis draws on *South Dakota v. Dole* (1987) and *National Federation of Independent Business v. Sebelius* (2012), focusing on the requirements of statutory authorization, the relationship between funding conditions and federal programmes, and the constitutional limits on coercive financial pressure.

The review also considers recent developments in federal immigration enforcement and sanctuary-jurisdiction litigation. Current factual claims, particularly those relating to 2025–2026 policies, litigation, executive actions, and immigration-enforcement funding, are assessed with reference to official sources where available. The 2026 increase in immigration-enforcement funding is therefore considered mainly as a change in the **practical enforcement environment,** rather than as an independent source of constitutional authority.

The purpose of this doctrinal approach is to determine whether the expanded federal enforcement environment has changed the underlying legal position of sanctuary jurisdictions or has mainly increased the practical and political pressure surrounding existing constitutional disputes. By separating questions of **preemption, compelled state participation, and conditional federal spending,** the review provides a clearer framework for assessing the legal limits of federal authority and the continuing autonomy of state and local governments.

LEGAL FRAMEWORK GOVERNING SANCTUARY JURISDICTIONS

The legal position of sanctuary jurisdictions is shaped by the interaction between the federal government's authority over immigration and the constitutional autonomy of states and local governments. Although immigration enforcement is principally a federal responsibility, federal supremacy does not mean that state and local governments must participate in every aspect of federal immigration enforcement. The principal constitutional doctrines related to this relationship are **federal preemption, the anti-commandeering doctrine, and the federal spending power.** These doctrines address different questions and should therefore be analysed separately.

Federal Preemption

The federal government possesses substantial constitutional and statutory authority over immigration and naturalization. Congress has exercised this authority through the Immigration and Nationality Act (INA), while federal agencies are responsible for administering and enforcing federal immigration laws. Therefore, federal law may preempt state or local measures when those measures conflict with federal requirements or interfere with objectives that Congress has reserved for federal regulation.

The Supreme Court's decision in *Arizona v. United States* (2012) provides an important foundation for understanding federal preemption in the immigration context. The Court invalidated several provisions of Arizona's immigration law because they conflicted with the federal immigration framework. The decision emphasized the federal government's significant role in establishing a uniform national immigration policy. However, *Arizona* does not establish that every state or local policy touching on immigration is automatically preempted. Rather, the validity of a particular measure depends on the nature of the regulation, congressional intent, and whether the state or local rule conflicts with federal law or creates an obstacle to the accomplishment of federal objectives.

This distinction is very important in sanctuary-jurisdiction disputes. Some sanctuary policies do not attempt to establish an alternative immigration system or determine who may lawfully remain in the United States. Instead, they regulate the manner in which state and local officials use their own personnel, facilities, and resources. For example, a local policy may restrict the circumstances in which local officers may honor an immigration detainer or may limit the voluntary sharing of certain information with federal immigration authorities. Therefore, such policies raise questions that cannot be answered solely by invoking federal supremacy.

Federal supremacy and federal preemption should consequently be distinguished. The Supremacy Clause establishes the priority of valid federal law over conflicting state law, but it does not automatically transform every federal objective into a command requiring state and local governments to assist in its implementation. The important legal inquiry is whether the challenged sanctuary policy is actually displaced by federal law or whether it falls within the jurisdiction's lawful control over its own governmental operations.

The Anti-Commandeering Doctrine

The anti-commandeering doctrine presents a different constitutional question. While preemption concerns whether federal law displaces state or local law, anti-commandeering concerns whether the federal government may require state governments to enact, administer, or enforce a federal regulatory programme.

The Supreme Court established important limits on federal commandeering in *New York v. United States* (1992) and *Printz v. United States* (1997), and reaffirmed the principle in *Murphy v. NCAA* (2018). Taken together, these decisions establish that the federal government generally may not compel state legislatures or state officials to administer federal regulatory programmes or directly regulate according to federal instructions.

The doctrine is relevant to sanctuary jurisdictions because federal immigration enforcement depends, in practice, on varying degrees of interaction with state and local authorities. Federal agencies may conduct immigration investigations, arrests, detention, and removal proceedings through federally authorized personnel. The constitutional question becomes different, however, when federal authorities seek to require state or local officials to use their own personnel or resources to carry out federal immigration functions.

The distinction is illustrated by immigration detainers. In *Galarza v. Szalczyk* (2014), the Third Circuit concluded that immigration detainers were requests rather than mandatory commands to local authorities. Therefore, the case demonstrates the importance of distinguishing voluntary cooperation from federally compelled participation.

Accordingly, the anti-commandeering doctrine may provide sanctuary jurisdictions with a constitutional basis for refusing to participate in certain federal enforcement activities. However, the doctrine does not create a general immunity from federal immigration law. States and local governments remain subject to valid federal law, and they cannot use the anti-commandeering principle as a justification for independently regulating immigration in a manner that federal law preempts.

The central question is therefore whether the challenged policy merely determines the extent to which state or local officials will participate in federal enforcement, or whether it affirmatively obstructs federal officers in the performance of federal duties. This distinction helps separate anti-commandeering issues from preemption questions.

Federal Funding and the Spending Power

The federal spending power provides a third constitutional mechanism through which Congress may influence state and local participation in federal programmes. Congress may attach conditions to federal funding, but those conditions are subject to constitutional limitations. *South Dakota v. Dole* (1987) recognized that Congress may place conditions on federal grants when the conditions are sufficiently related to the federal interest in the programme and otherwise satisfy constitutional requirements. The Court subsequently emphasized in *National Federation of Independent Business v. Sebelius* (2012) that financial pressure may become unconstitutional coercion when states are left without a genuine choice.

These principles are relevant to sanctuary jurisdictions because Congress may attempt to encourage state and local cooperation with federal immigration enforcement through conditions attached to federal grants. Such conditions must, however, be distinguished from a direct federal command. A funding condition raises Spending Clause questions concerning congressional authorization, the clarity and relatedness of the condition, and whether the financial pressure becomes constitutionally coercive. A direct command to state officials, by contrast, raises anti-commandeering concerns.

The distinction is important following the significant increase in federal immigration-enforcement funding in 2026. On June 10, 2026, the President signed the reconciliation legislation providing almost $70 billion for U.S. Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), and other Department of Homeland Security functions. The funds are generally available for obligation through fiscal year 2029.

The significance of this appropriation for sanctuary jurisdictions should not, however, be overstated. The federal appropriation primarily increases the federal government's resources for carrying out federal immigration and border-enforcement functions. It does not, by itself, establish that states or municipalities receiving federal grants must participate in federal immigration enforcement. The constitutional issue arises when Congress or federal agencies attach specific cooperation requirements to federal funding.

Thus, the existence of substantial federal funding should be distinguished from the use of federal funding as leverage over state and local governments. The former concerns the federal government's capacity to enforce federal law directly; the latter raises questions under the Spending Clause and, depending on the nature of the requirement, may also implicate anti-commandeering principles.

Interaction of the Three Doctrines

The three doctrines should not be treated as interchangeable**. Preemption asks whether federal law displaces a state or local rule; anti-commandeering asks whether the federal government has impermissibly required state or local governments to administer or enforce federal policy; and the Spending Clause asks whether Congress may attach certain conditions to federal financial assistance.**

These distinctions are central to the sanctuary-jurisdiction debate. A local government may be unable to enact a rule that directly conflicts with federal immigration law while nevertheless retaining considerable discretion over whether and how its own personnel and resources participate in federal enforcement. Similarly, Congress may offer financial incentives for cooperation, but the conditions attached to those funds must remain within constitutional limits.

The legal outcome of a sanctuary-jurisdiction dispute will therefore depend heavily on the precise nature of the challenged policy. Restrictions on immigration detainers, limitations on information sharing, rules governing access to local facilities, and policies concerning local participation in federal enforcement may present different constitutional questions. A careful analysis must identify the specific governmental action involved before determining whether preemption, anti-commandeering, Spending Clause limitations, or a combination of these doctrines applies.

REVIEW AND DISCUSSION OF SANCTUARY JURISDICTIONS IN THE CURRENT ENFORCEMENT ENVIRONMENT

The current legal environment surrounding sanctuary jurisdictions demonstrates that the dispute is not simply a disagreement over immigration policy. It is fundamentally a question about the constitutional allocation of governmental responsibilities among the federal government, states, and local governments. The federal government possesses substantial authority over immigration enforcement, while states and local governments retain significant authority over the administration of their own police forces, personnel, and governmental resources. The resulting tension is very visible when federal immigration authorities seek cooperation from jurisdictions that have adopted policies limiting local participation in federal immigration enforcement.

An important lesson from earlier litigation is that **federal authority to enforce immigration law does not necessarily create a corresponding obligation for state and local governments to assist in that enforcement.** Sanctuary policies vary considerably, but many concern the circumstances in which local officials may respond to immigration detainers, share information, provide access to local facilities, or use local resources to support federal civil immigration enforcement. Therefore, these policies should be examined individually rather than treated as a single category of unconstitutional conduct.

This variation is important because federal immigration authorities retain the ability to enforce federal immigration law through federal personnel and federally controlled resources. The refusal of a state or municipality to participate in certain federal enforcement activities does not, without more, prevent federal officers from exercising federal authority. The constitutional question becomes more difficult where a state or local policy affirmatively restricts federal officers or conflicts with a valid federal requirement. Consequently, the legal analysis must distinguish between a jurisdiction's **decision not to participate in federal enforcement and an affirmative attempt to obstruct federal enforcement.**

Moreover, the anti-commandeering doctrine provides an important constitutional framework for making this distinction. As established in *Printz v. United States* (1997) and reaffirmed in *Murphy v. NCAA* (2018), the federal government generally cannot require state governments or state officials to administer or enforce a federal regulatory programme. Applied to immigration enforcement, the doctrine supports the proposition that federal authorities may enforce federal immigration law through federal officers without necessarily possessing constitutional authority to require state and local police to perform federal immigration functions.

The doctrine does not, however, provide sanctuary jurisdictions with a general exemption from federal law. States and local governments remain subject to valid federal requirements, including federal laws that preempt conflicting state or local measures. The critical distinction is therefore between **non-cooperation and obstruction**. A policy that limits the voluntary use of local personnel or resources for federal immigration enforcement may raise anti-commandeering concerns, whereas a policy that affirmatively prevents federal officers from carrying out federal duties may raise different questions of preemption or intergovernmental interference. The constitutional analysis consequently depends on the specific conduct involved.

Federal funding creates a further dimension of the dispute. Congress has authority under the Spending Clause to establish federal grant programmes and, within constitutional limits, to attach conditions to the receipt of federal funds. However, the executive branch does not possess unlimited authority to create new funding conditions independently of congressional authorization. The litigation arising from the Trump Administration's earlier sanctuary-city policies illustrates this limitation.

In *City and County of San Francisco v. Trump* (2018), the Ninth Circuit considered the federal government's attempt to condition certain federal funds on compliance with immigration-enforcement requirements. The court concluded that the executive branch lacked authority to impose the challenged conditions without adequate congressional authorization. The decision is significant because it demonstrates that federal funding cannot automatically be transformed into a mechanism for compelling state and local immigration cooperation merely through executive action. The constitutional and statutory authority for the condition must first be established.

This earlier litigation remains relevant to the current enforcement environment. Beginning in 2025, the Trump Administration again adopted executive measures aimed at increasing federal immigration enforcement and challenging sanctuary policies. These actions generated renewed litigation involving questions of federal preemption, anti-commandeering, information sharing, immigration detainers, and the authority of the federal government to condition or withhold federal funding. The continuation of these disputes demonstrates that the constitutional boundaries identified in earlier sanctuary litigation remain unsettled in several areas and may depend on the precise form of federal action and the particular sanctuary policy being challenged.

The 2026 expansion of federal immigration-enforcement funding adds another important dimension. Federal legislation enacted in June 2026 provided almost $70 billion for U.S. Customs and Border Protection, Immigration and Customs Enforcement, and other Department of Homeland Security functions, with substantial portions of the funding available through fiscal year 2029. The increased appropriation strengthens the federal government's capacity to conduct immigration enforcement directly through federal agencies.

The importance of this funding should nevertheless be stated carefully. The appropriation itself does not establish that sanctuary jurisdictions are required to cooperate with federal immigration authorities. Increased federal funding and conditional federal funding are legally different concepts. The first primarily expands the federal government's own enforcement capacity; the second raises questions about whether Congress has attached constitutionally permissible conditions to funds available to state or local governments.

This distinction is important in assessing the future of sanctuary jurisdictions. Greater federal enforcement capacity could reduce the federal government's practical dependence on local law-enforcement agencies. At the same time, Congress or federal agencies may seek to encourage greater cooperation through grant conditions, information-sharing requirements, or other mechanisms. Where such measures are adopted, their validity will depend on the source of the authority, the statutory language, the relationship between the condition and the federal programme, and whether the measure places constitutionally impermissible pressure on state or local governments.

Therefore, the current enforcement environment demonstrates that the sanctuary-jurisdiction debate cannot be resolved by relying exclusively on federal supremacy or state autonomy. The federal government has substantial authority to regulate and enforce federal immigration law, and valid federal law may preempt conflicting state or local measures. At the same time, the federal government cannot automatically convert state and local governments into administrative arms of federal immigration enforcement. The anti-commandeering doctrine places limits on compelled state participation, while the Spending Clause establishes separate limitations on the use of federal funding as an instrument of federal policy.

The emerging case law and legal literature consequently point toward a **constitutional middle ground.** Sanctuary jurisdictions are not immune from federal immigration law, and their policies may be invalid where they conflict with or obstruct valid federal requirements. Conversely, federal immigration supremacy does not necessarily give federal authorities unrestricted control over state and local personnel, resources, or governmental decision-making. The strongest constitutional disputes are therefore likely to arise at the boundary between **federal enforcement, voluntary local cooperation, and compelled local participation.**

For this reason, future litigation should focus less on whether the federal government possesses authority over immigration in the abstract and more on the precise mechanism through which federal authorities seek state and local compliance. Whether the federal government is enforcing immigration law directly, preempting a conflicting local rule, requesting voluntary cooperation, compelling local participation, or attaching conditions to federal funding may determine which constitutional doctrine controls. This specific approach provides a clearer framework for evaluating sanctuary jurisdictions in the post-2025 and 2026 enforcement environment.

IMPORTANT ISSUES, EMERGING TRENDS, AND LEGAL IMPLICATIONS

The review of existing law and recent developments indicates that the legal conflict surrounding sanctuary jurisdictions is likely to remain significant as federal immigration enforcement expands. The central debate is no longer limited to whether sanctuary policies are politically desirable or undesirable. Rather, it concerns the constitutional and statutory limits on the federal government's ability to influence state and local decisions regarding the use of their own personnel, law-enforcement resources, facilities, and administrative systems.

The Continuing Boundary Between Non-Cooperation and Unlawful Interference

One of the most important unresolved issues concerns **what constitutes lawful non-cooperation and what amounts to unlawful interference with federal immigration enforcement**. Federal authorities may argue that certain sanctuary policies restrict access to information, limit the transfer of individuals into federal custody, or otherwise make federal immigration enforcement more difficult. Sanctuary jurisdictions, however, generally maintain that a decision not to use local personnel or resources to assist federal enforcement is different from actively obstructing federal officers.

This distinction is constitutionally significant. Federal immigration law is supreme when valid federal law conflicts with state or local law, and state or local governments may not adopt measures that are preempted by federal law. At the same time, the anti-commandeering doctrine generally prevents the federal government from requiring states or local governments to administer or enforce a federal regulatory programme.

Future litigation is therefore likely to focus increasingly on the precise content and practical effect of individual sanctuary policies. A jurisdiction's refusal to honor an immigration detainer, for example, may raise different legal questions from a policy that restricts access to local facilities or affirmatively prevents federal officers from carrying out lawful federal activities. Courts will consequently need to distinguish carefully between a government's decision **not to participate in federal enforcement and affirmative conduct that unlawfully interferes with federal enforcement.**

This issue is likely to become more important because sanctuary jurisdictions do not follow a single legal model. Their policies differ with respect to immigration detainers, information sharing, notification requirements, access to local facilities, and the use of local law-enforcement personnel. The constitutional validity of such policies may depend less on whether a jurisdiction describes itself as a “sanctuary” and more on the specific legal and operational restrictions that it has adopted.

Federal Funding and the Limits of Executive and Congressional Authority

A second major issue concerns the use of **federal funding as an instrument for encouraging state and local cooperation** with federal immigration enforcement. Earlier litigation established an important limitation on executive authority: the executive branch cannot independently create broad new conditions on federal grants without sufficient congressional authorization.

In *City and County of San Francisco v. Trump* (2018), the Ninth Circuit considered the federal government's attempt to impose immigration-related funding consequences on sanctuary jurisdictions through executive action. The decision emphasized that the authority to establish conditions on federal spending is vested primarily in Congress. The case remains important because it demonstrates that the executive branch cannot simply transform federal funding into a general mechanism for compelling immigration cooperation in the absence of appropriate statutory authority.

The role of Congress may become very important in the current enforcement environment. Where Congress clearly authorizes conditions attached to federal grants, the legal analysis shifts from a question of executive authority to questions concerning the constitutional limits of the Spending Clause. Such conditions may still be challenged if they are unclear, unrelated to the federal programme, or so financially significant that they become coercive.

The legal implications are therefore likely to differ depending on the source of the funding requirement. **A condition imposed solely through executive action may raise questions concerning statutory and separation-of-powers authority, whereas a condition enacted by Congress may raise more direct Spending Clause and federalism questions.** Future sanctuary-jurisdiction litigation is likely to require courts to examine both the source of the condition and its constitutional effect.

Increased Federal Enforcement Capacity and Reduced Dependence on Local Cooperation

A significant emerging development is the expansion of federal resources available for immigration and border enforcement. The major 2026 appropriation for immigration-related enforcement activities provides the federal government with substantially greater financial capacity to conduct enforcement through federal agencies and personnel.

The legal significance of this development should nevertheless be carefully distinguished from the question of compulsory state or local cooperation. Increased appropriations strengthen the federal government's ability to enforce federal immigration law directly. They do not, by themselves, create a legal obligation requiring sanctuary jurisdictions to participate in federal enforcement.

This development may nevertheless alter the practical relationship between federal and local governments. With greater federal resources, immigration authorities may become less dependent on voluntary assistance from local police and other state or municipal institutions. At the same time, the availability of additional federal resources may increase efforts to encourage cooperation through grants, joint programmes, information-sharing arrangements, or other forms of intergovernmental coordination.

Accordingly, the expansion of federal enforcement funding may not eliminate sanctuary-related disputes. Instead, it may shift the nature of those disputes. The central legal questions may increasingly concern the mechanisms through which federal authorities seek cooperation rather than the federal government's ability to carry out immigration enforcement independently.

The Continuing Importance of the Anti-Commandeering Doctrine

The anti-commandeering doctrine is likely to remain central to future sanctuary-jurisdiction disputes. *New York v. United States*, *Printz v. United States*, and *Murphy v. NCAA* establish that the federal government generally may not require state governments or state officials to administer or enforce a federal regulatory programme.

The relevance of this doctrine to immigration enforcement is very important where federal action affects the ability of states and local governments to determine how their own officials will use government resources. Disputes involving information sharing, immigration detainers, local participation in enforcement operations, and other forms of cooperation may raise constitutional questions that differ from ordinary preemption disputes.

The controversy surrounding federal restrictions on state and local immigration-related policies illustrates this difficulty. In particular, legal challenges involving 8 U.S.C. § 1373 have raised significant questions about the extent to which Congress may regulate state and local decisions concerning the actions of their own officials. The modern anti-commandeering doctrine has therefore become an important part of the legal analysis in disputes involving federal attempts to regulate state and local participation in immigration enforcement.

However, the anti-commandeering doctrine should not be understood as giving states or local governments unlimited authority to interfere with federal immigration enforcement. The doctrine protects state and local governments from being compelled to administer federal programmes, but it does not authorize them to enact laws that are preempted by valid federal legislation or to affirmatively obstruct federal officers in the lawful performance of their duties.

The continuing legal challenge is therefore to determine where **non-cooperation ends and unlawful interference begins.** This question is likely to remain at the centre of future litigation.

Greater Congressional Involvement and the Possibility of Clearer Federal Standards

Another emerging issue concerns the future role of Congress. Earlier sanctuary-jurisdiction disputes frequently involved executive attempts to impose immigration-related conditions on state and local governments without sufficiently clear congressional authorization. Future legislative action could alter the legal landscape by establishing more explicit rules governing federal grants, information sharing, immigration detainers, or forms of cooperation between federal, state, and local authorities.

Clear congressional legislation could reduce some disputes concerning executive authority. However, congressional action would not eliminate constitutional limitations. Federal statutes may still be challenged under the anti-commandeering doctrine, the Spending Clause, or principles of federal preemption, depending on the form and effect of the legislation.

For example, Congress may seek to encourage cooperation by attaching conditions to particular federal grants. The validity of such conditions would depend on factors including the clarity of the condition, its relationship to the federal programme, the statutory authority supporting it, and whether the financial consequences leave states and local governments with a meaningful choice. Therefore, greater congressional involvement may provide clearer legal authority while simultaneously generating new constitutional disputes concerning the limits of that authority.

Implications for Future Litigation

The emerging legal position is best understood as a **constitutional balance rather than a complete victory for either the federal government or sanctuary jurisdictions**. The federal government retains substantial authority to regulate immigration and to enforce valid federal immigration laws. State and local policies that directly conflict with valid federal law may be subject to preemption.

At the same time, federal supremacy does not automatically give the federal government unrestricted authority to direct how states and local governments use their own officers, personnel, or resources. Sanctuary jurisdictions may rely on principles of federalism and anti-commandeering when federal authorities attempt to convert voluntary cooperation into compulsory participation.

The Spending Clause introduces a further layer of complexity. Congress may use federal funding to encourage cooperation, but the constitutional validity of funding conditions depends on the authority under which they are imposed and the limits established by Spending Clause jurisprudence. The executive branch, meanwhile, cannot assume that broad immigration-enforcement objectives alone provide authority to impose new conditions on federal grants.

The increased federal enforcement resources available after the 2026 appropriation are therefore unlikely to resolve the sanctuary-jurisdiction controversy. Instead, they may create a new enforcement environment in which the federal government has greater capacity to act independently while continuing to seek cooperation from state and local governments. This may generate further disputes concerning immigration detainers, information sharing, access to local facilities, federal funding, and the limits of preemption.

Furthermore, the future of sanctuary-jurisdiction law is likely to depend increasingly on **specific governmental actions rather than broad political labels.** Courts will need to determine whether a particular federal measure constitutes valid preemption, an impermissible attempt to commandeer state or local officials, or a constitutionally permissible condition attached to federal funding. Similarly, courts will need to examine whether a particular sanctuary policy represents lawful non-cooperation or crosses the line into conduct that conflicts with or unlawfully interferes with valid federal enforcement.

The most significant legal implication is therefore that neither federal immigration supremacy nor state and local autonomy operates without constitutional limits. The future development of sanctuary-jurisdiction law will likely emerge from the continuing effort of courts to define the boundaries between **federal enforcement authority, voluntary state and local cooperation, compulsory participation, and constitutionally protected governmental autonomy.**

GAPS IN EXISTING LITERATURE AND FUTURE LEGAL DEVELOPMENTS

Although the existing legal literature provides an important foundation for understanding sanctuary jurisdictions, significant gaps and unresolved questions remain. Much of the scholarship and litigation has focused on two broad issues: whether federal immigration law preempts particular state or local sanctuary policies and whether the federal government may require state or local authorities to participate in federal immigration enforcement. These questions remain important, but the changing enforcement environment suggests that additional issues require closer examination.

The Need for Greater Attention to the Changing Federal Enforcement Environment

One significant gap in the existing literature concerns the relationship between increased federal immigration-enforcement resources and the practical dependence of federal authorities on state and local cooperation. Earlier scholarship frequently examined sanctuary jurisdictions within an enforcement environment in which cooperation between federal, state, and local authorities played an important practical role.

The substantial expansion of federal immigration-enforcement resources in 2026 may alter this relationship. Greater funding may strengthen the ability of federal agencies to conduct immigration enforcement directly through federal personnel and institutions, potentially reducing the practical dependence on local police and other state or municipal authorities.

At the same time, increased federal resources do not necessarily eliminate the federal government's interest in obtaining state and local cooperation. Information sharing, access to facilities, detention arrangements, and coordinated law-enforcement activities may continue to create incentives for intergovernmental cooperation. Hence, future research should therefore examine whether increased federal enforcement capacity changes the constitutional and practical significance of sanctuary policies.

This issue is very important because increased federal funding and compulsory local cooperation are legally distinct. A stronger federal enforcement system may enable the federal government to act more independently, while separate statutory or administrative measures may still seek to encourage or require cooperation from states and local governments. Future scholarship should examine how these two developments interact rather than treating increased enforcement funding as automatically equivalent to greater federal authority over sanctuary jurisdictions.

The Unresolved Boundary Between Non-Cooperation and Obstruction

A second important gap concerns the continuing lack of a clearly defined legal standard distinguishing **lawful non-cooperation from unlawful obstruction of federal immigration enforcement**. Generally, sanctuary jurisdictions maintain that they are entitled to determine how their own personnel, facilities, and financial resources will be used. Federal authorities, however, may argue that certain policies go beyond a refusal to cooperate and instead interfere with the implementation of federal immigration law.

The distinction is likely to become increasingly important because sanctuary policies are not uniform. Different jurisdictions may adopt different approaches to immigration detainers, information sharing, notification practices, access to local facilities, and the participation of local law-enforcement officers in federal operations. As a result, the term “sanctuary jurisdiction” may conceal significant legal differences between individual policies.

Existing literature would benefit from a more systematic classification of sanctuary measures according to their legal and practical effects. Future scholarship could, for example, distinguish between policies that merely decline to provide affirmative assistance, policies that regulate the use of local government resources, policies that restrict the sharing of particular information, and policies that may directly conflict with specific federal requirements.

Such a framework could assist courts in determining when a policy represents constitutionally protected local autonomy and when it may be subject to federal preemption or other legal challenges. Future litigation is therefore likely to require a more precise examination of individual policies rather than broad judicial conclusions based solely on whether a jurisdiction is described as a “sanctuary.”

Federal Funding as an Emerging Area of Constitutional Uncertainty

Another important gap concerns the future use of **federal funding as a mechanism for encouraging state and local cooperation with immigration enforcement**. Previous litigation has established that the executive branch cannot independently impose broad funding conditions without adequate statutory authority from

Congress. However, the legal analysis may be different where Congress itself expressly authorizes immigration-related conditions on particular federal grants.

This distinction requires further scholarly attention. Clear congressional authorization does not automatically resolve the constitutional question. Funding conditions may still raise issues concerning the Spending Clause, including whether the condition is sufficiently clear, whether it is appropriately connected to the federal programme, and whether the financial consequences become so significant that they amount to unconstitutional coercion.

Future litigation may therefore increasingly focus on the source and structure of particular funding conditions. Courts may need to distinguish between conditions created through executive action, conditions expressly authorized by Congress, and conditions that are implemented through administrative interpretation of federal statutes.

The expansion of federal immigration-enforcement funding may make these questions more significant, particularly if future legislation or federal programmes seek to use grants, reimbursement arrangements, or other financial incentives to influence the conduct of state and local governments. Further research is needed to determine how traditional Spending Clause principles apply to immigration-related conditions imposed in an increasingly complex federal funding environment.

The Continuing Relationship Between Preemption and Anti-Commandeering

A further gap in the literature concerns the relationship between **federal preemption and the anti-commandeering doctrine.** These doctrines are sometimes discussed together in sanctuary-jurisdiction debates, but they address fundamentally different constitutional questions.

Preemption concerns whether valid federal law displaces a conflicting state or local measure. Anti-commandeering, by contrast, concerns whether the federal government may require state or local governments to administer, enforce, or implement a federal regulatory programme.

Future scholarship would benefit from more clearly separating these doctrines and identifying circumstances in which they may arise simultaneously. A state or local policy may, for example, be challenged as conflicting with federal law, while the federal response to that policy may separately raise questions about whether federal authorities are attempting to compel state participation in federal enforcement.

A more precise analytical framework could improve judicial and academic understanding of sanctuary-jurisdiction disputes by requiring separate consideration of the source of federal authority, the nature of the local policy, and the particular constitutional doctrine involved.

The Need for Greater Attention to Different Types of Sanctuary Policies

Another limitation in the existing literature is the tendency to treat sanctuary jurisdictions as though they operate under a single legal model. In practice, state and local policies vary considerably. Some primarily concern immigration detainers, while others regulate information sharing, access to local detention facilities, notification procedures, or the use of local officers in federal immigration operations.

These differences may produce different constitutional outcomes. A policy limiting voluntary local assistance may raise anti-commandeering concerns, while a policy that conflicts with an express federal statutory requirement may raise a question of preemption. Similarly, a restriction involving a federally funded programme may raise additional questions under the Spending Clause.

Future legal research should therefore move toward a more detailed typology of sanctuary policies. Rather than asking whether “sanctuary jurisdictions” are lawful or unlawful as a general category, future analysis should examine the specific policy at issue and identify the relevant constitutional and statutory framework.

Such an approach would also improve the usefulness of comparative legal research by allowing scholars to identify which types of sanctuary policies are most vulnerable to federal challenge and which are more strongly supported by principles of state and local autonomy.

Possible Future Judicial Developments

The unresolved issues identified above suggest that sanctuary-jurisdiction litigation is likely to continue. Future cases may require courts to provide clearer guidance on the boundary between lawful non-cooperation and unlawful interference, the extent to which federal immigration law preempts particular local policies, the constitutional limits of federal efforts to require information sharing or other forms of participation, and the circumstances under which federal funding may be conditioned on cooperation.

The Supreme Court may eventually be asked to provide additional guidance concerning the relationship between federal immigration authority and the anti-commandeering doctrine. Such a case could require the Court to address how *New York v. United States*, *Printz v. United States*, and *Murphy v. NCAA* apply in the specific context of federal immigration enforcement.

However, future developments may not depend exclusively on judicial decisions. Congress could significantly alter the legal landscape by enacting clearer statutory rules governing immigration cooperation, federal grants, information sharing, or relationships between federal and local law-enforcement authorities. Any such legislation would nevertheless remain subject to constitutional limitations, including principles of federalism, preemption, anti-commandeering, and the Spending Clause.

Summary of Research Gaps and Future Directions

The existing literature provides substantial guidance on the constitutional principles governing sanctuary jurisdictions, but it does not yet fully address the implications of the changing federal enforcement environment. In particular, further research is needed in four areas.

First, there is a need to examine how increased federal immigration-enforcement capacity may affect the federal government's practical dependence on state and local cooperation. Second, courts and scholars require clearer standards for distinguishing lawful non-cooperation from conduct that may unlawfully interfere with valid federal enforcement. Third, additional analysis is required concerning the use of congressionally authorized federal funding as a mechanism for encouraging immigration cooperation. Finally, future scholarship should distinguish more carefully between different types of sanctuary policies rather than treating sanctuary jurisdictions as a legally uniform category.

These gaps demonstrate that sanctuary-jurisdiction law remains a developing area of constitutional and intergovernmental law. The future direction of the doctrine will likely depend on the interaction between increased federal enforcement capacity, new congressional or executive measures, and continuing judicial efforts to define the constitutional boundary between **federal immigration authority and state and local governmental autonomy.**

Accordingly, future legal developments are likely to be shaped less by a single determination of whether sanctuary jurisdictions are lawful or unlawful and more by careful judicial examination of specific governmental actions. The central questions will continue to concern whether a particular local policy conflicts with federal law, whether a federal measure impermissibly compels state or local participation, and whether conditions attached to federal funding remain within constitutional limits.

POLICY AND LEGAL RECOMMENDATIONS

The continuing conflict between the federal government and sanctuary jurisdictions demonstrates the need for clearer legal rules governing the respective responsibilities of federal, state, and local authorities. The preceding review suggests that many disputes arise not from uncertainty about the federal government's general authority over immigration, but from disagreements concerning the extent to which state and local governments may be required or encouraged to participate in federal immigration enforcement. The following recommendations are therefore directed toward reducing legal uncertainty, respecting constitutional boundaries, and promoting more predictable intergovernmental relationships.

Congress Should Provide Clearer Statutory Guidance

First, **Congress should provide clearer statutory guidance concerning the forms of cooperation that federal immigration authorities may request or encourage from state and local governments.** Existing disputes demonstrate the difficulties that arise when broad federal immigration objectives are implemented through unclear statutory provisions or executive directives.

Where Congress considers cooperation necessary, legislation should clearly identify the nature of the requested or required conduct. Different forms of cooperation should not be treated as legally identical. Immigration detainers, information sharing, notification requirements, access to local facilities, and participation by local law-enforcement officers raise different legal and constitutional questions.

Clear statutory language would improve legal certainty and reduce the need for repeated litigation over the scope of executive authority. However, congressional clarity alone would not eliminate constitutional limitations. Any federal legislation affecting state and local participation would remain subject to applicable principles of federalism, including the anti-commandeering doctrine and constitutional limits on the use of federal spending power.

Federal Policy Should Clearly Distinguish Voluntary Cooperation from Compelled Participation

Second, federal immigration policy should clearly distinguish between **voluntary cooperation and compulsory participation.** Federal authorities possess the capacity to enforce federal immigration law through federal agencies and personnel. Where state or local assistance is sought, the legal basis for that assistance should be clearly identified.

Voluntary cooperation agreements may provide a constitutionally less contentious mechanism for coordination between federal and local authorities. Such arrangements can allow jurisdictions that choose to cooperate to establish the scope of their participation while reducing uncertainty concerning the respective responsibilities of federal and local officials.

By contrast, attempts to require state or local governments to administer federal immigration programmes may raise anti-commandeering concerns. Federal policy should therefore avoid treating every refusal to participate as unlawful interference. A jurisdiction's decision not to use its own personnel or resources for federal immigration enforcement should be distinguished from conduct that affirmatively conflicts with valid federal law or unlawfully interferes with federal officers.

This distinction would provide a clearer legal framework for both federal agencies and sanctuary jurisdictions and could reduce litigation arising from uncertainty over the boundary between lawful non-cooperation and unlawful obstruction.

Federal Funding Conditions Should Be Transparent, Specific, and Constitutionally Grounded

Third, the use of **federal funding to encourage state and local cooperation should be transparent and legally predictable**. If Congress chooses to attach immigration-related conditions to federal grants, those conditions should be clearly stated in the relevant legislation and should provide states and local governments with adequate notice of the obligations associated with accepting federal funds.

Funding conditions should also be evaluated according to established constitutional principles. The relationship between the condition and the relevant federal programme should be sufficiently clear, and the financial consequences of non-compliance should not be structured in a manner that leaves states or local governments without a meaningful choice.

Executive agencies should also avoid creating substantial new funding conditions without clear statutory authority. The history of sanctuary-jurisdiction litigation demonstrates the legal difficulties that can arise when executive action attempts to impose broad financial consequences beyond the authority granted by Congress.

A more transparent approach to conditional spending would reduce uncertainty for both federal agencies and recipient jurisdictions. It would also enable courts to assess funding conditions based on identifiable statutory and constitutional standards rather than broad assertions of executive authority.

Federal and Local Authorities Should Develop Clearly Defined Cooperative Arrangements

Fourth, federal and local authorities should prioritize **clearly defined and voluntary cooperative arrangements where cooperation is mutually beneficial and legally appropriate.** Broad attempts to impose a uniform model of immigration cooperation on every state or municipality may produce unnecessary constitutional conflict because states and local jurisdictions differ in their laws, resources, public-safety priorities, and institutional capacities.

Where cooperation is appropriate, written agreements or other clearly defined arrangements should specify the responsibilities of each participating authority. Such arrangements could address issues including the sharing of information, procedures for responding to immigration requests, access to local facilities, the role of local personnel, and the allocation of financial and administrative responsibilities.

Clear arrangements would provide several practical benefits. They could reduce uncertainty concerning the authority and responsibilities of participating officials, promote accountability, and decrease the likelihood that voluntary cooperation will later be interpreted as compulsory participation.

Importantly, cooperative arrangements should not be treated as a substitute for constitutional analysis. Any agreement or programme involving state or local participation must remain consistent with applicable federal and state law and must not circumvent constitutional limits on federal authority.

Local Governments Should Adopt Specific and Legally Defined Sanctuary Policies

Fifth, state and local governments should avoid relying solely on broad political descriptions such as “sanctuary jurisdiction.” Instead, policies should clearly identify the particular forms of cooperation that are permitted, restricted, or prohibited.

For example, a jurisdiction should clearly distinguish between policies concerning immigration detainers, information sharing, notification practices, access to local facilities, and the use of local law-enforcement personnel. This approach would improve legal clarity and enable courts to evaluate specific governmental actions rather than attempting to determine the legality of a broad “sanctuary” designation.

More precise policies could also reduce the risk of unnecessary conflict with valid federal law. Before adopting or revising sanctuary-related measures, state and local governments should assess whether particular provisions may be subject to federal preemption or may conflict with express statutory requirements.

A more carefully defined approach would also support transparency by allowing residents, law-enforcement officials, and federal authorities to understand the circumstances in which local cooperation will or will not occur.

Community Trust and Public-Safety Considerations Should Remain Relevant

Sixth, policymakers should recognize that sanctuary policies often involve considerations extending beyond constitutional doctrine. Local governments may adopt limits on immigration enforcement cooperation because of concerns about community trust, the effective use of police resources, or the willingness of residents to report crimes and cooperate with local law-enforcement authorities.

These considerations do not override valid federal law. However, they remain relevant to decisions concerning how local governments allocate their own resources and organize their law-enforcement institutions.

Federal immigration policy and local public-safety policy should therefore not automatically be treated as mutually exclusive. Where legally permissible, federal and local authorities should seek arrangements that allow appropriate cooperation while recognizing the distinct responsibilities and operational priorities of local governments.

A Balanced Federalism Approach Should Guide Future Policy

Overall, the most sustainable approach is likely to be one based on **clear legal boundaries, constitutional restraint, and structured intergovernmental cooperation**. Federal authority over immigration should be respected, including the federal government's authority to enforce valid immigration laws directly and to preempt conflicting state or local measures where constitutionally appropriate.

At the same time, federal supremacy should not be interpreted as granting the federal government unrestricted authority to control state and local personnel, resources, and law-enforcement institutions. States and local governments retain an important sphere of authority over their own governmental operations, subject to valid federal law.

The goal of future policy should therefore not be to establish an absolute victory for either federal enforcement interests or sanctuary jurisdictions. Instead, policymakers should seek to establish clearer boundaries between **federal enforcement authority, voluntary state and local cooperation, compulsory governmental participation, and the use of federal financial incentives.**

A clearer statutory and constitutional framework could reduce recurring litigation and provide greater predictability for federal agencies, states, municipalities, law-enforcement officials, and affected communities. Such an approach would allow the federal government to pursue its immigration-enforcement objectives while preserving the constitutional principles that protect state and local governmental autonomy.

Ultimately, the continuing sanctuary-jurisdiction controversy demonstrates the importance of distinguishing between what the federal government may enforce directly, what it may lawfully preempt, what state and local governments may choose to do voluntarily, and what forms of cooperation may be encouraged through constitutionally permissible funding conditions. Future policy should be designed around these distinctions. Doing so would provide a more stable and legally defensible framework than relying on broad executive directives or treating all forms of sanctuary policy and all forms of federal cooperation as constitutionally identical.

CONCLUSION

Sanctuary jurisdictions remain an important test of the constitutional limits of federal power in the administration and enforcement of U.S. immigration law. This review has shown that, although the federal government possesses substantial authority to regulate immigration and enforce federal immigration laws, that authority does not automatically include the power to require states and local governments to use their own personnel, resources, or institutions to carry out federal enforcement objectives.

The central legal issue is therefore not simply whether the federal government possesses authority over immigration. Federal authority in this area is well established. The more difficult question concerns **how federal authority may be exercised in relation to state and local governments**. In particular, courts must distinguish between federal enforcement conducted directly by federal authorities, lawful state or local non-cooperation, state or local measures that conflict with valid federal law, and conduct that may amount to unlawful interference with federal enforcement.

The existing legal framework demonstrates that neither federal supremacy nor state and local autonomy provides a complete answer to sanctuary-jurisdiction disputes. *Arizona v. United States* confirms the significant role of the federal government in immigration regulation and the possibility that conflicting state or local measures may be preempted. At the same time, *New York v. United States*, *Printz v. United States*, and *Murphy v. NCAA* establish constitutional limits on the federal government's ability to require states or state officials to administer or enforce federal regulatory programmes.

Similarly, the federal spending power provides an important but limited mechanism through which Congress may encourage state and local cooperation. Federal funding conditions must be supported by appropriate statutory authority and remain subject to constitutional requirements. The use of financial incentives cannot simply be treated as an alternative means of achieving indirectly what the federal government may be constitutionally prohibited from compelling directly.

The substantial expansion of federal immigration-enforcement funding in 2026 has changed the practical enforcement environment by increasing the resources available to federal immigration and border-enforcement agencies. This development may strengthen the federal government's ability to conduct enforcement directly through federal personnel and institutions, potentially reducing its practical dependence on state and local participation. However, increased federal funding does not, by itself, resolve the underlying constitutional questions surrounding sanctuary jurisdictions. Those questions continue to depend on the specific legal mechanisms through which federal authorities seek cooperation and the particular state or local policies being challenged.

The review further demonstrates that sanctuary jurisdictions should not be treated as a legally uniform category. Policies concerning immigration detainers, information sharing, notification procedures, access to local facilities, and the use of local law-enforcement personnel may raise different constitutional and statutory questions. Future disputes are therefore likely to depend increasingly on the precise content and effect of individual policies rather than on whether a state or municipality is generally described as a “sanctuary jurisdiction.”

The principal finding of this review is that the future of sanctuary-jurisdiction law will depend less on the existence of federal immigration authority and more on **the constitutional limits governing the exercise of that authority against state and local governments.** Federal immigration supremacy may support the preemption of conflicting state or local measures, but it does not automatically authorize the federal government to commandeer state and local officials or impose constitutionally impermissible funding conditions.

Future litigation is therefore likely to continue at the intersection of federal preemption, anti-commandeering, and the Spending Clause. Courts will be required to determine whether particular sanctuary policies represent lawful decisions concerning the use of state and local resources or whether they conflict with valid federal law. They will also be required to assess whether federal efforts to obtain cooperation constitute permissible encouragement, lawful preemption, or unconstitutional compulsion.

Clearer congressional legislation could reduce some of the present uncertainty by defining the legal basis, scope, and limits of federal requests for state and local cooperation. However, legislative clarity would not eliminate constitutional review. Any federal measure affecting state and local participation in immigration enforcement would remain subject to the principles of federalism that define the relationship between the national government and the states.

Ultimately, the sanctuary-jurisdiction debate illustrates a continuing constitutional tension within the U.S. federal system. The federal government retains substantial authority to enforce immigration law, while states and local governments retain constitutionally protected authority over their own governmental institutions and resources, subject to valid federal law. The challenge for courts and policymakers is therefore not to determine which level of government has absolute control, but to define the constitutional boundary between **federal enforcement authority, federal preemption, voluntary state and local cooperation, and impermissible federal compulsion.** Until those boundaries are clarified through legislation and further judicial decisions, sanctuary jurisdictions are likely to remain a significant area of constitutional, immigration, and intergovernmental litigation.

REFERENCES

1. *Arizona v. United States*, 567 U.S. 387 (2012).
2. Aramayo, Alejandra. *“Sanctuary” Jurisdictions: Legal Overview*, CRS Legal Sidebar LSB11321,Congressional Research Service (updated Sept. 15, 2025).
3. Aramayo, Alejandra, William A. Kandel & Abigail F. Kolker. *“Sanctuary” Jurisdictions: Policy Overview*, CRS In Focus IF11438, Congressional Research Service (updated Mar. 4, 2025).
4. *City & County of San Francisco v. Trump*, 897 F.3d 1225 (9th Cir. 2018).
5. *Galarza v. Szalczyk*, 745 F.3d 634 (3d Cir. 2014).
6. Immigration and Nationality Act, 8 U.S.C. §§ 1101–1537.
7. *Murphy v. National Collegiate Athletic Association*, 584 U.S. 453 (2018).
8. *National Federation of Independent Business v. Sebelius*, 567 U.S. 519 (2012).
9. *New York v. United States*, 505 U.S. 144 (1992).
10. Peck, Sarah Herman. *“Sanctuary” Jurisdictions: Federal, State, and Local Policies and Related Litigation*, CRS Report R44795, Congressional Research Service (May 3, 2019).
11. *Printz v. United States*, 521 U.S. 898 (1997).
12. Secure America Act, Pub. L. No. 119-98, 140 Stat. 837 (2026).
13. *South Dakota v. Dole*, 483 U.S. 203 (1987).
14. 8 U.S.C. § 1373.
15. 8 U.S.C. § 1644.
16. *United States v. Illinois*, No. 1:25-cv-669-SJC (N.D. Ill. filed 2025).