



## Executive Summary

Federal immigration law is primarily governed by the U.S. government, and states do not have the authority to grant legal status or citizenship to immigrants, including individuals with expired visas who may be pursuing a pathway to lawful status or naturalization.

## Research Methods

This information request was completed through a review of relevant case law using publicly available legal databases and a review of state legislation and statutes using Quorum.

## Findings and Analysis

No states currently provide a mechanism to grant legal status or citizenship protections to immigrants with expired visas who are actively pursuing citizenship or another lawful status pathway. Authority over immigration, naturalization, and the determination of legal immigration status rests with the federal government. Precedent set by the Supreme Court of the United States (SCOTUS) recognizes that the U.S. Constitution grants Congress “plenary” power and authority over naturalization.<sup>i</sup>

States’ role in immigration policy primarily rests on their ability to govern day-to-day activities such as determining eligibility for public benefits, driver’s licenses, and professional licenses. For example, in 2023, Florida enacted [Senate Bill 1718](#), which prohibits local governments from funding IDs for individuals without lawful U.S. presence, invalidates certain out-of-state driver licenses for unauthorized immigrants, and requires law enforcement officers to take specified actions when such licenses are presented.

Although Southern states generally do not maintain such policies, 13 states, the District of Columbia, and several localities have adopted laws that are colloquially referred to as “sanctuary” laws.<sup>ii</sup> While there is no uniform definition of sanctuary laws, these laws generally assert that the state or local government will limit their cooperation with federal immigration officials but not prevent those officials from carrying out their duty.<sup>iii</sup> SCOTUS precedent, as in *Printz v. United States* holds that the Tenth Amendment to the U.S. Constitution bars the federal government from requiring states to enforce a federal regulatory program.<sup>iv</sup> Two recent executive orders ([EO 14159](#) and [EO 14218](#)) may affect federal funding eligibility for jurisdictions that maintain sanctuary-related policies.<sup>v</sup>

While the federal government retains primary authority over immigration status and naturalization, states continue to influence the experiences of immigrants through policies governing licensing, public benefits, and cooperation with federal immigration enforcement. State approaches vary considerably, reflecting differing policy priorities and interpretations of state authority. As immigration policy continues to evolve, interactions among federal authority, state policymaking, and executive actions may remain a subject of ongoing legal and policy discussion.



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<sup>i</sup> “Overview | Constitution Annotated | Congress.gov | Library of Congress.” n.d. Constitution.congress.gov. [https://constitution.congress.gov/browse/essay/artI-S8-C18-8-1/ALDE\\_00001255/](https://constitution.congress.gov/browse/essay/artI-S8-C18-8-1/ALDE_00001255/).

<sup>ii</sup> Vaughan, Jessica, and Bryan Griffith. 2019. “Maps: Sanctuary Cities, Counties, and States.” CIS.org. 2019. <https://cis.org/Map-Sanctuary-Cities-Counties-and-States>.

<sup>iii</sup> American Immigration Council. 2025. “Sanctuary Policies: An Overview - American Immigration Council.” American Immigration Council. April 7, 2025. <https://www.americanimmigrationcouncil.org/fact-sheet/sanctuary-policies-overview/>.

<sup>iv</sup> 521 US 898 (1997)

<sup>v</sup> “‘Sanctuary’ Jurisdictions: Legal Overview.” 2025. Congress.gov. 2025. <https://www.congress.gov/crs-product/LSB11321>.