



# CLINIC Sanctuary Cities Toolkit

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## What is a Sanctuary City?

The phrase "Sanctuary city" originates from the religious immigration-centered movement of the 1980s...Churches, synagogues, and other religious institutions opposed the return of Central American refugees to the countries where they had been persecuted. This became known as the Sanctuary Movement."

The term "sanctuary city" is a misnomer as some have confused "sanctuary city" policies with the notion that immigrants in these communities are insulated from any immigration enforcement action brought against them. However, nothing in a "sanctuary city" policy prevents federal enforcement actions.<sup>1</sup>

Some cities and localities, including San Francisco, have used the term "sanctuary" in their community policing policies in solidarity with the movement of the 1980s.

As there is no formal legal definition of the term and the policies vary by jurisdiction, there is some confusion by the media with regard to the use of the term.

## Some definitional elements of sanctuary city policy

1. "Policies or laws that limit the extent to which law enforcement and other government employees will go to assist the federal government on immigration matters."<sup>2</sup>
2. "Policies that disregard requests from ICE to indefinitely hold immigrant inmates beyond their detention date."<sup>3</sup>
3. Policies that "bar local police from asking for proof of citizenship and from arresting immigrants who lack documentation unless they are suspected of committing other criminal offenses."<sup>4</sup>

## What Is the Existing Federal Policy?

According to the Federal Department of Homeland Security (DHS), the Priority Enforcement Program (PEP) enables DHS to work with state and local law enforcement to take custody of individuals who pose a danger to public safety before those individuals are released into our communities. PEP was established at the direction of DHS Secretary Jeh Johnson in a November 20, 2014 memorandum that discontinued the Secure Communities program. PEP focuses on convicted criminals and others who pose a danger to public safety.<sup>5</sup>

- » Under PEP, the local law enforcement has discretion on whether to enter into an agreement with a federal ICE program.
- » Under PEP, DHS is to focus its enforcement efforts on recent border crossers, gang members, suspected terrorists, those convicted of felonies, people convicted of three misdemeanors and those with a "significant misdemeanor" on their record-including domestic violence and drug-selling.

- » Instead of issuing a detainer (a previous policy under Secure Communities), under PEP, state and local agencies are only to notify ICE that an individual in question will be released.

## What Counties and Cities Have Sanctuary City Policies That Separate Federal Immigration Enforcement from Local Law Enforcement?

It is helpful to get an idea of the actual number of sanctuary cities and localities and where they are located nationally. Being informed as to the volume of cities and counties that have existing sanctuary policies will augment arguments that sanctuary policies are not isolated or remote programs but part of a national trend at the state and local level.

### Jurisdictions with Sanctuary Policies

- » Cities: 27
- » Counties: 326<sup>6</sup>

### Why is it important to codify sanctuary city laws?

- » The local law enforcement or sheriffs' office can choose to work with ICE through an administrative decision, without a democratic process. Codifying a Sanctuary City law through a vote will be more transparent and reflective of voters' intent.
- » By creating a sanctuary city statute, an anti-immigrant policy administrative decision will be less likely to be pursued or become local policy.



## What Are the States' Policy Choices?

Being able to understand possible policy choices regarding sanctuary cities can be helpful in promoting your advocacy on the issue. Look to gather examples from your state as a way to drive advocacy. Review the policy choices below and consider the example from Pennsylvania below.<sup>7</sup>

1

**Separate Federal Immigration Enforcement from Local Law Enforcement**

Local law enforcement can legally choose to NOT participate in immigration enforcement to focus on public safety.

### Case Example

The police in Allentown, Pennsylvania arrested a U.S. citizen for alleged drug crimes. He had both his driver's license and social security card with him at the time of the arrest and was eventually found innocent. During his time in custody, the police called ICE based on the presumption that, because of his race, he was undocumented. Despite being documented, the citizen was held for 3 days after posting bail based on an ICE detainer. He was released only after an ICE agent interrogated him and confirmed his citizenship.

The U.S. citizen sued local and county officials in 3rd District Federal Court, leading to verdicts in his favor and settlement costs totaling nearly \$150,000.

On appeal, the 3rd Circuit's Federal Court of Appeals held that ICE detainees are merely non-binding requests, not orders, and that the County could be held liable for its policy of detaining people on that basis.

After settling the case county officials agreed to adopt a policy of no longer honoring ICE detainees without a court order.

There are other state examples – [is your state one of them?](#)

2

**Intertwine Federal Immigration Enforcement with Local Law Enforcement**

Federal and local law enforcement can intertwine federal enforcement efforts with local public safety efforts, but this policy decision can open the local government to liability issues.

## Public Policy Argument: Economic Impact of Immigration in America

When faced with negative enforcement proposed legislation, consider using a public policy argument related to the financial benefits that immigrants bring to local communities.

### There are economic benefits from immigration

Countless studies have proven that humane and comprehensive immigration reform benefits the American economy. For example, according to the Congressional Budget Office (CBO), prohibiting the Obama Administration's implementation of deferred action, immigration and enforcement initiatives, will lower federal revenues by \$18.9 billion over the 2016-2025 period. While

direct spending by the government without immigration reform would be lower, **a net difference would increase deficits by \$6.3 billion over the 2015-2025 period.**<sup>8</sup>

A January 2015 CBO report entitled, "How Changes in Immigration Policy Would Affect the Federal Budget"<sup>9</sup> describes how granting legal status to unauthorized residents would also positively affect the budget. The report does note that any cost/benefit analysis would be contingent on the specific legislation. However, it mentions how new immigrants would pay into the federal system, and generate revenue.

*Undocumented immigrants currently contribute to the local economy*

According to the Institute on Tax and Economic Policy (ITEP),

undocumented immigrants contribute significantly to state and local taxes, collectively paying an estimated \$11.84 billion in 2012. Contributions range from less than \$3.2 million in Montana with an estimated undocumented population of 6,000 to more than \$3.2 billion in California, home to more than 3.1 million undocumented immigrants. Undocumented immigrants' national average effective state and local tax rate (the share of income they pay in state and local taxes) in 2012 was an estimated 8 percent. To put this in perspective, the top 1 percent of taxpayers pay an average nationwide effective tax rate of just 5.4 percent.<sup>10</sup> To view a state by state analysis of tax contributions by immigrants, please review ITEP's report. Another study estimates that undocumented

immigrants in North Carolina contributed about \$201.8 million in state and local taxes in 2014.<sup>11</sup> Undocumented residents in Georgia contributed \$245 million in state and local taxes in 2014.<sup>12</sup> These contributions are used to fund state programs such as food, housing, and medical assistance programs which undocumented immigrants do not have access to.

*Anti-immigrant initiatives could negatively affect community livelihood and population*

Today's immigrants are coming to the U.S. for the same reasons as millions of others have throughout American history—**opportunity, escape from persecution, and**

## The Francis Effect: Harness the Power of the Pope and Catholic Social Teaching



» Pope Francis Formal Welcome on the White House South Lawn

"Mr. President,

I am deeply grateful for your welcome in the name of all Americans. As the son of an immigrant family, I am happy to be a guest in this country, which was largely built by such families. I look forward to these days of encounter and dialogue, in which I hope to listen to, and share, many of the hopes and dreams of the American people."<sup>23</sup>

Pope Francis has made migration one of his top issues of concern. He has spoken at length about the need for humane immigration policies that respect the sanctity of the family and the dignity of the person. Utilize a Pope Francis quote in the beginning or end of testimony, statement or interview. Particularly appropriate are the Pope's quotes from his visit to the United States. CLINIC has a list of Pope Francis quotes on immigration, including ones from his recent visit to the White House and Congress

**CLINIC provides many Catholic Social Teaching resources, including compilations of more Pope Francis quotes at [cliniclegal.org/cst](http://cliniclegal.org/cst).**

» Pope Francis Address to Congress

*"I am most grateful for your invitation to address this Joint Session of Congress in 'the land of the free and the home of the brave.' I would like to think that the reason for this is that I too am a son of this great continent, from which we have all received so much and toward which we share a common responsibility."*

*"In recent centuries, millions of people came to this land to pursue their dream of building a future in freedom. We, the people of this continent, are not fearful of foreigners, because most of us were once foreigners. I say this to you as the son of immigrants, knowing that so many of you are also descended from immigrants."<sup>24</sup>*

**the hope of a better life.** Immigrants in the U.S. tend to be younger than native born Americans.<sup>13</sup> They contribute to the local community and economy but are less likely to stay in anti-immigrant jurisdictions. For example, Pew Research Studies reports that Mexicans leave the U.S. for reasons such as slow recovery of the U.S. economy after the Great Recession and stricter enforcement of U.S. immigration laws.<sup>14</sup>

A Dartmouth study tracking the correlation between immigrant migration in the United States and state immigration laws found that states that passed anti-immigration legislation also saw a decline in migration.<sup>15</sup> States who have immigrant-friendly laws, like California, have experienced an increase in migration to their states and have benefited from those individuals economic contributions which are more than double the contributions from immigrants in states that have anti-immigration laws.

For example, California enacted a TRUST Act in 2013 which ensures that local jails will not detain undocumented individuals solely for immigration enforcement if they were apprehended for minor, non-violent offenses. California is home to nearly 10.5 million immigrants, with more than 300,000 migrating to California between 2010 and 2014. In 2014, immigrant-led households in California earned \$323.2 billion dollars or almost 29% of all income earned by Californians that year. Through their individual wage contributions, immigrants also paid almost \$49.5 billion into the Social Security and Medicare programs that year.<sup>16</sup> In contrast to California, Georgia has enacted legislation which prohibits cities from adopting sanctuary city policies that would discourage local law enforcement from complying with federal immigration enforcement priorities. Nearly 51,000 immigrating to Georgia between 2010 and 2014. In 2014, immigrant-led households earned about \$26.1 billion dollars—or about 10.7 % of all income earned by Georgians.<sup>17</sup>

Many northeastern states are losing residents who retire to warmer climates.<sup>18</sup> States losing population also lose tax revenues and would benefit from immigrants moving into their community. Consider arguing how enacting immigrant friendly policies (rather than non-integrative measures such as anti-sanctuary city ones) could lead to population increases.

*Immigration and the economy overall; additional arguments to consider*

In addition to the above economic-based arguments, consider the following resources which provide in-depth data on the value of immigrant entrepreneurs, the effect of immigrants on American agricultural productivity and state by state immigration analytics:

- » The American Immigration Council<sup>19</sup> has a State by State Analysis on "Immigrant Entrepreneurs, Innovation, and Welcoming Initiatives by State."<sup>20</sup>
- » For states with an agricultural economic component, consider reviewing, "How Inaction on Immigration Impacts the Agricultural Economy."<sup>21</sup>
- » Pew offers an interactive tool that breaks down immigration employment by state and industry.<sup>22</sup>

## Coalition-Building and Finding Allies

Addressing enforcement-related immigration legislation and countering negative attacks can be difficult and isolating. One way to improve your advocacy on this issue is to look to allies and work with other community partners who have like-minded views on this particular issue. Look to reach out and engage with diverse groups and form unique coalitions that represent constituents' voices. Possible communities to engage:

### *Law Enforcement*

Law Enforcement are natural leaders on immigration-enforcement related bills. They have technical expertise and respect in the community. These individuals can speak about the possible effect upon the community with authority. Consider reaching out to your local enforcement community.

### *Law Enforcement-Focused Resources*

- » *Local Law Enforcement Statements on Enforcing Federal Immigration Laws:* This resource includes quotations from law enforcement leaders who have opposed enforcement of federal immigration law.

[nilc.org/policechiefs.html](http://nilc.org/policechiefs.html)

- » *Major Cities Chiefs' Association Nine Point Immigration Policy Position:* This document outlines the concerns that local police have regarding the enforcement of federal immigration law. It has some excellent law enforcement-related talking points.

[www.majorcitieschiefs.com/pdf/news/2013\\_immigration\\_policy.pdf](http://www.majorcitieschiefs.com/pdf/news/2013_immigration_policy.pdf)

### *Domestic Violence and Victims' Rights Groups*

Domestic Violence and Victims' Rights groups are good partners in combatting anti-immigration enforcement legislation. They work with individuals who have been victims of crime and domestic violence in the local community. They can show the human consequence of inhumane anti-sanctuary city and enforcement legislation. Consider reaching out victims' rights advocacy groups.

## *Victims' Rights- Focused Resources*

» *Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement:* A valuable study that shows opinions of Latinos surveyed in Chicago, Los Angeles and Arizona about greater local law enforcement involvement in immigration enforcement.

[www.policylink.org/sites/default/files/INSECURE\\_COMMUNITIES\\_REPOt\\_FINAL.PDF](http://www.policylink.org/sites/default/files/INSECURE_COMMUNITIES_REPOt_FINAL.PDF)

» *Catholics for Family Peace:* A national Catholic organization that works to raise visibility about domestic violence and incorporate catholic social teaching into prevention, education, and awareness.

[www.catholicsforfamilypeace.org/about-us.html](http://www.catholicsforfamilypeace.org/about-us.html)

# Talking Points: Why States Should Separate Local Policing From Immigration Enforcement

*Separating local policing from immigration enforcement is legal.*

- » ICE detainers are simply requests. It is not mandatory for local law enforcement to honor immigration detainers; when and whether to do so is discretionary.<sup>25</sup>
- » State legislatures, cities, counties and local law enforcement departments are permitted to make their own decisions about when to hold someone under an ICE detainer.
- » Jurisdictions across the country are exercising their discretion in different ways. Some do not ever honor ICE detainers. Others only hold individuals when certain criteria are met, such as when individuals have already been convicted of a serious crime; when ICE has agreed to reimburse for all costs of detainer compliance; or when a court order or criminal warrant has been issued.<sup>26</sup>

*Separating local policing from immigration enforcement promotes public safety.*

- » Holding people at the request of ICE erodes trust between the community and local law enforcement, undermining public safety efforts.
- » Compliance with detainers deters immigrants from interacting with the police, including reporting crimes, because they fear immigration consequences.<sup>27</sup>
- » Honoring detainers diverts scarce law enforcement personnel and other resources from preventing crime and protecting the public.

*Separating local policing from immigration enforcement is fiscally responsible.*

- » Police often hold individuals longer than 48 hours—sometimes weeks or months longer—and judges frequently deny bail because of the existence of a detainer. When states hold immigrants at the federal government's request, it costs local taxpayers millions of dollars.<sup>28</sup>
- » State and local law enforcement agencies are not reimbursed by the federal government for the full cost of tracking and responding to detainers.
- » Immigration law is a complex and technical area requiring local law enforcement officers to act as immigration agents requires costly training.
- » Complying with ICE detainers raises serious constitutional concerns and may expose participating localities to costly litigation.

*Separating local policing from immigration enforcement promotes family unity and human dignity.*

- » Detainers are often issued for individuals with minor or no criminal convictions. As a result, hardworking members of our community are deported and thousands of children are separated from their parents.
- » When families are broken apart, communities are also destroyed. In order to promote strong families and communities, local law enforcement must disentangle itself from ICE.
- » Our Catholic tradition teaches us to protect and respect human dignity, regardless of immigration status. It is unjust and an affront to human dignity to divide families by deporting longtime law abiding residents who work hard to earn a living and contribute to society.

# Talking Points: Sanctuary Cities

- » State and local police do not have the authority to enforce immigration laws. Through the ruling in *U.S. v. Arizona*, the Supreme Court held that the federal government has sole authority to enforce border and immigration laws.<sup>29</sup>
- » Local law enforcement enforcing federal immigration laws erodes community trust and does not prevent crime. Statistics show that a cooperative relationship between law enforcement and those communities enhances public safety and reduces crime. Greater involvement of local police in immigration enforcement has significantly heightened the fears many immigrants have of the police, contributing to their social isolation and exacerbating their mistrust of law enforcement authorities. Public safety strategy, including building trust through community policing, is a matter of legitimate concern to city government. Congress should not meddle in these efforts, but instead defer to the expertise of local leaders on creating and fostering community responses.
- » Local enforcement of federal immigration laws has led to lower crime reporting by immigrants and less information sharing between immigrant communities and local police. Rather than feeling safer because of increased police involvement in immigration enforcement, many immigrants feel less safe and feel that they can no longer go to local law enforcement to report being the victims of crime or witnessing crime. To this end, a recent study on Latino communities undertaken by the University of Illinois Chicago reported that 45 percent of Latinos surveyed stated that they are less likely to voluntarily offer information about crimes, and 45 percent are less likely to report a crime because they are afraid the police will ask them or people they know about their immigration status due to increased local enforcement efforts on behalf of the federal government.<sup>30</sup> CLINIC's members include over 165 programs that serve immigrant victims of crime and survivors of domestic abuse. We know from experience that the best way to protect victims and promote public safety is for local police to encourage crime victims to come forward, not to threaten them with deportation.
- » Local law enforcement entities enforcing federal immigration laws goes against tenets of catholic social teaching, namely subsidiarity. Catholic Social Teaching tells us that problems should be solved on the most local level possible, a principle called subsidiarity. Subsidiarity requires that decisions are made by the people closest and most affected by the issues and concerns of the community. How to build trust between police and immigrant communities is precisely such an area of legitimate local concern.

# Endnotes

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