

Frequently Asked Questions: Recent U.S. Department of Justice Litigation Against California on Sanctuary Cities

What Happened?

On March 6, 2018, the U.S. Department of Justice (DOJ) filed a [lawsuit](#), in the U.S. District Court for the Eastern District of California, against the state of California. In the lawsuit, DOJ claims that parts of three new California state laws, intended to protect immigrants, violate the United States Constitution, namely the Supremacy Clause, as these laws obstruct the enforcement of federal immigration law and are superseded by the power of the federal government in the area of immigration enforcement.

What Are the Three California State Laws at Issue in the Lawsuit?

The three laws are SB 54, AB 450, and AB 103.

- [SB 54](#), the “California Values Act,” prohibits state and local officials from sharing information with federal immigration authorities under certain circumstances and also bars transfer of certain immigrants to federal custody. The DOJ’s lawsuit argues that this law is not only unconstitutional, but also violates a specific federal statute on information sharing (8 USC 1373).
- [AB 450](#), the “Immigrant Worker Protection Act,” [forbids](#) private employers from voluntarily cooperating with federal immigration enforcement at the workplace.
- [AB 103](#), seeks to regulate contract detention facilities used to hold federal immigration detainees. By challenging the detention center inspection requirements of AB 103, DOJ is inherently asking the court to decide whether this inspection is simply an extension of the oversight power that the state unquestionably retains.

When Will the Outcome of This Lawsuit Be Determined?

We are uncertain as to how the briefing schedule will proceed at this time.

Has the DOJ Filed a Lawsuit Against a State on Immigration Enforcement Before?

Yes. The March 6th lawsuit is modeled on a [lawsuit the](#)

[Obama administration filed in 2010](#) against a controversial state law in Arizona, SB 1070, that sought to crack down on undocumented immigrants. That case resulted in a Supreme Court ruling finding that some provisions of the Arizona law unconstitutionally intruded into Congress’ right to set federal immigration policy. USCCB filed an *amicus* brief in the case arguing against the state law as it would have harmed faith-based providers.

Is this Litigation a New Development in the Trump Administration’s Fight against Sanctuary Cities?

Yes. The lawsuit filed in U.S. federal district court in Sacramento is the first filed by the Trump Administration’s DOJ against a local or state government over its immigration policies.

Could the DOJ Pursue Legal Action against Other States or Municipalities?

Yes, it is a possibility. DOJ officials said that they would not rule out the possibility of other lawsuits against local governments whose policies interfere with the federal government’s authority on immigration. Colorado, Illinois, New Mexico, Oregon and Vermont currently have state sanctuary laws, as do cities and counties in more than a dozen states.

What Other Strategies Has the Administration Used to Fight Against Sanctuary Cities?

The Trump Administration has been very aggressive towards sanctuary cities. In January 2017, it issued Executive Order 13768 on interior enforcement, which contained a broad interpretation of the ability of the federal government to punish sanctuary cities and deny them federal funding. And in July 2017, Attorney General Jeff Sessions announced that cities and states would only be eligible to receive certain grants from the Justice Department if they follow specific requirements, including certifying compliance with federal immigration law.

Subsequently, lawsuits in Northern California, Chicago, and Pennsylvania challenged the Executive Order or the Administration’s related attempts to deny federal funding to localities deemed “sanctuary jurisdictions.” That litigation remains ongoing.

