



Frequently Asked Questions on Sanctuary Cities

What is a Sanctuary City?

Cities and municipalities become sanctuary cities through ordinances, local laws or policies. There is no official definition for “sanctuary city.” Some definitional elements of sanctuary city policy include:

- a. “Policies or laws that limit the extent to which local law enforcement will go to assist the federal government on immigration matters.”
- b. Policies that disregard requests from Immigration and Customs Enforcement (ICE) to indefinitely hold immigrant inmates beyond their detention date (commonly known as “[detainers](#)”).¹
- c. 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.”²

The term “sanctuary city” is a misnomer, and some have confused sanctuary city policies with the idea that immigrants in these communities are protected from any immigration enforcement action brought against them. Contrary to this common misconception, nothing in a sanctuary city policy prevents federal enforcement actions.

Why Is This an Important Issue Now?

Sanctuary cities emerged as a legislative issue in the summer of 2015 after the death of Kate Steinle. On July 1, 2015, a U.S. citizen, Kate Steinle, was killed by Juan Francisco López Sánchez, an undocumented felon who had been previously deported from the country. López Sánchez had been released from prison in April 2015, but the local city government had not honored a detainer request by ICE for his custody. Subsequent to Kate Steinle’s death, several bills emerged in Congress in an effort to penalize sanctuary cities; none were made law.

With the election of President Trump, many cities and mayors have publicly stated that they will renew protections for unauthorized immigrants and sanctuary city policies in their communities. In November 2016, [mayors](#) of Seattle, Los Angeles, Chicago, New York, San Francisco, Newark, Providence, and Baltimore have reaffirmed their “sanctuary” policies.³ The immigrant restrictionist group, the Center for Immigration Studies, maintains an up to date list of

sanctuary cities, which also includes whole counties and states that do not formally cooperate with ICE. As of March 2020, the list included over 150 jurisdictions.⁴

Sanctuary Cities have remained a central issue throughout the Trump Administration. In January 2017, the administration issued [Executive Order 13768](#), which called for the withholding federal grant funding from sanctuary jurisdictions. Several states sued the Department of Justice (DOJ) arguing EO 13768 was unconstitutional. A district court judge agreed and halted implementation of the order. However, on February 26, 2020 a federal appeals court overturned the previous ruling allowing the DOJ to withhold federal funding from jurisdictions for not cooperating with the Administration's immigration enforcement efforts.⁵ The funding in question is the Edward Byrne Memorial Justice Assistance Grant (JAG) program, which provides resources for local public safety. The grants usually support innovative programs such as alternatives to incarceration and drug treatment programs.⁶

In addition, during his State of the Union Address on February 4th, 2020, President Trump reiterated his targeting of jurisdictions with "sanctuary" policies. To that end, the Trump Administration banned New York residents from applying for or reenrolling in Trusted Traveler Programs, which give travelers priority when passing through airport security and borders. The ban appeared to be a response to New York's Green Light law, which allowed undocumented immigrants to apply for driver's licenses and prevented federal immigration enforcement officials from accessing the Department of Motor Vehicles records.⁷ Furthermore, in March 2020 ICE began a short term operation to surveil the homes and work places of undocumented immigrants. During the operation ICE reportedly planned to deploy hundreds of additional officers in an effort to "flood the streets" and arrest as many undocumented immigrants as possible.⁸ The heightened federal law enforcement presence is likely to exacerbate the already tense relationship between so called "sanctuary cities" and the Trump Administration.

Does the Catholic Church Have a Position on Sanctuary Cities?

In 2015, USCCB's Committee on Migration [spoke publicly](#) against federal legislative efforts to have local police carry out federal immigration enforcement actions. In 2016, USCCB opposed an effort to force local entities to engage in immigration enforcement, in part by cutting off funding to non-compliant jurisdictions. USCCB's Committees on Migration and Domestic and Social Development along with Catholic Charities USA came out against [S. 3100](#), the "Stop Dangerous Sanctuary Cities Act." S.3100 would have forced state and local law enforcement agencies and officials to act as agents of the Department of Homeland Security (DHS) when conducting local law enforcement and community actions. In addition, S. 3100 would have denied Community Development Block Grants (CDBG) to jurisdictions identified as "sanctuary jurisdictions." In January 2017, after the Trump Administration issued EO 13768, Bishop Joe S. Vásquez of Austin, then-Chairman of the USCCB Committee on Migration spoke out against the order. He issued a [statement](#) arguing it would likely harm relationships between law enforcement and immigrant communities, which are vital to combat crime and keep families safe.

What Are Moral and Policy Reasons to Support Sanctuary Cities?

While every piece of legislation should be reviewed on a case-by-case basis, there are some general moral and public policy arguments for supporting reasonable sanctuary city policies.

- a. **Local law enforcement enforcing federal immigration laws erodes community trust and does not prevent crime.** [Research](#) shows that a cooperative relationship between law enforcement and immigrant communities enhances public safety and reduces crime.⁹ 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. A 2019 study by the University of California San Diego found that 33.8% of immigrants were less likely to trust law enforcement to keep their communities safe when the police cooperated with ICE.¹⁰ According to the DOJ, community trust is an essential component of effective policing and it is a priority for departments across the country.¹¹ Public safety strategy, including building trust through community policing, is a matter of legitimate concern to city government.
- b. **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 no longer comfortable going to local law enforcement to report either being a victim of or witnessing a crime. To this end, the University of California San Diego found in a 2019 study that 34.8% of immigrants were less likely to trust the police when they are told that the department works with ICE on federal enforcement efforts. Conversely, 36.7% responded that they trusted the police "a great deal" when

they learn the department did not work with federal immigration enforcement efforts.¹²

- c. Requiring local law enforcement entities to enforce federal immigration laws complicates the responsibility to protect and serve the local community of which they are a part.** Building and maintaining trust between local law enforcement and residents is an important mechanism in any effort to stop criminal behavior. As local law enforcement takes on the responsibility to enforce federal level immigration enforcement, the risk emerges that rifts will occur between local law enforcement and the local community. Immigrants living in these communities may become much less likely to report crimes or to cooperate with police for fear that their immigration status might come into question. How to build and maintain trust between police and immigrant communities is a fundamental reason why the involvement of local law enforcement in the enforcement of federal immigration laws is problematic.

Endnotes

1 Maxwell Tani, *A Chilling Alleged Murder Has Thrown a Major New Wrinkle Into An Already Complicated Debate*, BUSINESS INSIDER (JULY 20, 2015), AVAILABLE AT [HTTP://WWW.BUSINESSINSIDER.COM/WHAT-ARE-SANCTUARY-CITIES-2015](http://www.businessinsider.com/what-are-sanctuary-cities-2015).

2 *Id.*

3 Josh Sanburn, *How Mayors Across the U.S. Are Defying Donald Trump on Immigration*, TIME (November 21, 2016) available at <https://time.com/4578847/sanctuary-city-mayors-donald-trump-immigration/>

4 *Map: Sanctuary Cities, Counties, and States*, Center for Immigration Studies (February 5, 2020) available at <https://cis.org/Map-Sanctuary-Cities-Counties-and-States>

5 Harper Neidig, *Appeals court rules Trump administration can withhold grants from 'sanctuary cities'*, THE HILL (February 26, 2020) available at <https://thehill.com/regulation/court-battles/484715-appeals-court-rules-trump-administration-can-withhold-grants-from>

6 *Byrne JAG: Funding State and Local Criminal Justice Programs*, National Criminal Justice Association (2020) available at <https://www.ncja.org/ncja/byrne-jag-investments-and-impact/investing-byrne-jag>

7 Jesse McKinley and Azi Paybarah, *Global Entry Ban: Cuomo Offers Compromise to Trump on N.Y. Applicants*, NEW YORK TIMES (February 12, 2020) available at <https://www.nytimes.com/2020/02/12/nyregion/global-entry-cuomo-trump.html>

8 Caitlin Dickerson, Zolan Kanno-Youngs and Annie Correal, *'Flood the Streets': ICE Targets Sanctuary Cities With Increased Surveillance*, NEW YORK TIMES (3/5/2020) available at <https://www.nytimes.com/2020/03/05/us/ICE-BORTAC-sanctuary-cities.html?action=click&module=Top%20Stories&pg-type=Homepage>

9 Tom K. Wong PhD S, Deborah Kang PhD, Carolina Valdivia Josefina Espino, Michelle Gonzalez, Elia Peralta, *How Interior Immigration Enforcement Affects Trust in Law Enforcement*, UCSD (April 3, 2019) available at <https://usipc.ucsd.edu/publications/usipc-working-paper-2.pdf>

10 *Id.*

11 *Importance of Police-Community Relationships and Resources for Further Reading*, Community Relations Services Toolkit for Policing, Department of Justice (2015) available at <https://www.justice.gov/crs/file/836486/download>

12 Tom K. Wong PhD S, Deborah Kang PhD, Carolina Valdivia Josefina Espino, Michelle Gonzalez, Elia Peralta, *How Interior Immigration Enforcement Affects Trust in Law Enforcement*, UCSD (April 3, 2019) available at <https://usipc.ucsd.edu/publications/usipc-working-paper-2.pdf>