

# SANCTUARY CITIES

CONTROVERSIAL ISSUES IN THE NEWS



**CLOSE UP**<sup>®</sup>  
WASHINGTON DC

# CONTROVERSIAL ISSUES IN THE NEWS

Close Up's Controversial Issues discussions highlight policy issues recently featured in the news. Each discussion includes a framing question, historical context, an overview of both sides of the issue, and discussion questions. For more information on Close Up and our online resources, please visit [www.CloseUp.org](http://www.CloseUp.org).

## SANCTUARY CITIES

### CENTRAL QUESTION

Should governments penalize sanctuary cities?

### WHAT IS A SANCTUARY CITY?

There is no single legal definition of a sanctuary city.<sup>1</sup> But in broad terms, a sanctuary city is a city (or county) that limits its cooperation with federal immigration enforcement actions.<sup>2</sup> To truly understand sanctuary cities and counties, we must first examine how the federal government works with cities and counties to enforce immigration laws.

The process begins with undocumented immigrants. Undocumented immigrants have come to live in the United States illegally by sneaking over a border, using false documents, or overstaying the limits of their visas. These immigrants are eligible for deportation, which means that they can be removed from the United States and returned to their home countries.

When a person is deported, it often works in this way:

- A city police officer arrests an individual for a crime (such as drunk driving).
- The individual is placed in the local county jail, which is usually run by the county sheriff.
- The inmate is fingerprinted and the information is sent to the Federal Bureau of Investigation (FBI). The FBI shares that information with Immigration and Customs Enforcement (ICE).
- If ICE finds that the inmate is undocumented, it asks the jail to detain the inmate (usually for 48 hours) so it can begin the process of deportation. This is called a detainer request.
- At this point, the county has a choice. U.S. law does not require local authorities to comply with federal detainer requests. If local policy is to comply with detainer requests, the inmate remains in jail while ICE obtains a deportation warrant. ICE may then move the inmate to federal prison and deport him or her.
- If local policy is to reject detainer requests, the inmate is released once the criminal case is complete. Some counties reject every detainer request; others comply only when the inmate has a record of serious crimes or associations with gangs or terrorism.<sup>3</sup>

The rejection of detainer requests is a common example (but not the only example) of a sanctuary policy. Some cities instruct police officers to not ask individuals about their immigration status. Some cities, such as Chicago, Los Angeles, and San Francisco, have created legal defense funds for undocumented



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immigrants.<sup>4</sup> And as of 2015, 12 states—California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maryland, New Mexico, Nevada, Utah, Vermont, and Washington—and the District of Columbia allow undocumented immigrants to obtain driver’s licenses.<sup>5</sup>

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## WHAT IS THE ISSUE?

At the end of 2014, there were 11.1 million undocumented immigrants living in the United States.<sup>6</sup> Illegal immigration was a central issue in the 2016 presidential election, as businessman Donald Trump vowed to build a wall along the U.S. border with Mexico and speed up the deportation of criminals.

During his first days in office, President Trump issued an executive order to penalize sanctuary cities by withholding federal funds, “except as deemed necessary for law enforcement purposes.”<sup>7</sup> Also in January 2017, Senator Pat Toomey, R-Pa., introduced the Stop Dangerous Sanctuary Cities Act which, if passed by Congress, would make sanctuary cities ineligible for certain federal funding for public works and economic and community development.<sup>8</sup>



**Read the text of President Trump’s executive order**

At the same time, some states began considering bills of their own to fine or withhold funds from sanctuary cities at the state level. In early 2017:

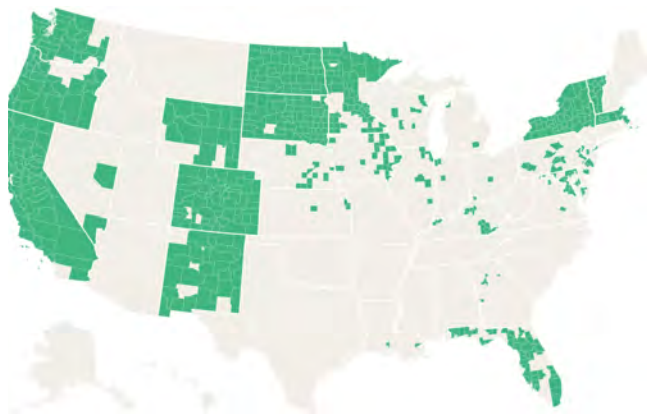
- The Texas Senate passed a bill to fine and cut state funding for government entities and colleges that refuse to cooperate with federal immigration officials or enforce immigration laws.<sup>9</sup>
- The Pennsylvania Senate advanced a bill to cut off hundreds of millions of dollars in state funds for cities and counties that do not honor detainer requests.<sup>10</sup>
- State lawmakers introduced bills to penalize sanctuary cities in several other states, including Florida, Idaho, North Carolina, Oklahoma, Tennessee, and Wisconsin.<sup>11</sup>

Some states, such as California, moved in the opposite direction. In early 2017, California lawmakers were considering a bill that would prevent all local and state police from collecting information about immigration status and from holding inmates for federal immigration officials without a warrant.<sup>12</sup> The city of San Francisco also filed a lawsuit against President Trump’s executive order, arguing that the policy violates the local powers promised by the Tenth Amendment.<sup>13</sup>

These national and state policies sparked a debate about whether or not governments should penalize sanctuary cities. Supporters of these penalties argue that sanctuary cities encourage illegal immigration, undermine federal law enforcement efforts, and allow undocumented criminals to walk free instead of face deportation. Opponents of these penalties argue that cities are not obligated or equipped to enforce federal immigration laws. They believe that local immigration crackdowns would discourage people from reporting crimes to the police and harm community relations.

# SANCTUARY CITIES

## WHAT DO YOU NEED TO KNOW TO UNDERSTAND THE ISSUE?



**Counties that Limit Cooperation  
with Immigration Officials**



**States that Limit Cooperation  
with Immigration Officials**

The idea of sanctuary cities began in the 1980s, when U.S. churches and other religious institutions provided refuge for people fleeing violence in parts of Central America.<sup>14</sup> Today, sanctuary cities and counties exist across the United States. As of February 2017:

- Five states—California, Connecticut, Oregon, Rhode Island, and Vermont—have laws that limit how much local police can cooperate with federal immigration officials.
- At least 633 counties and 39 cities—including Baltimore, Chicago, the District of Columbia, Los Angeles, and New York City—have policies that limit how much local police can cooperate with federal immigration officials.<sup>15</sup>

In 2015, ICE found that more than 200 of these cities and counties did not cooperate with detainer requests.<sup>16</sup> And according to the Center for Immigration Studies (CIS), a nonprofit organization that opposes illegal immigration, sanctuary cities and counties rejected more than 17,000 detainer requests between January 2014 and September 2015.<sup>17</sup>



### **Which parts of the United States reject the most detainer requests?**

So, how much in federal funding do sanctuary cities stand to lose from President Trump's order? New York City, for example, could lose \$10.4 billion in federal funds used for housing, social services, and other initiatives. The District of Columbia spent \$2.8 billion in federal funds in 2015, which represented one-third of its expenditures. Nearly one-quarter of Seattle's \$4 billion budget comes from federal funds, and San Francisco receives one-tenth of its \$9.6 billion budget from the federal government.<sup>18</sup>

## WHAT ARE THE ARGUMENTS FOR AND AGAINST PENALIZING SANCTUARY CITIES?

Supporters of penalizing sanctuary cities include some Republicans and advocates of stricter immigration laws. Their main arguments include:

1. Sanctuary cities encourage illegal immigration. Undocumented immigrants will continue to enter the United States if they know that some cities and counties refuse to cooperate with federal immigration officials. U.S. taxpayers will be on the hook to pay for education and other public services for undocumented immigrants.
2. Sanctuary cities undermine federal law enforcement efforts. The United States is a nation of laws, and sanctuary cities willfully ignore the fact that their undocumented residents are breaking the law. It is not acceptable for some cities to enforce the law and others to ignore it.
3. Sanctuary cities allow undocumented criminals to walk free instead of face deportation. Between January and August 2014, CIS found that 8,415 undocumented immigrants were released from local jails despite federal detainer requests. More than 1,800 of these people were re-arrested for other crimes.<sup>19</sup>

Opponents of penalizing sanctuary cities include some Democrats and immigrant advocates. Their main arguments include:

1. It is the job of the federal government—not cities and counties—to enforce immigration laws. Cities are not equipped or funded to take on immigration responsibilities. Sanctuary cities are not obstructing federal law enforcement; they are simply making it known that they do not have the resources to do ICE's job.
2. Local crackdowns on illegal immigration would only discourage people from seeking help from the police and harm community relations. Undocumented immigrants will not report crimes or act as witnesses if they live in fear of being deported by local police officers.
3. By penalizing sanctuary cities, governments would be bullying cities and counties into behaving a certain way. U.S. law does not require local authorities to cooperate with detainer requests. But with his executive order, President Trump would force some cities to align with his views—or else lose their federal funding.

# SANCTUARY CITIES: THE DEBATE

## Should governments penalize sanctuary cities?

**YES: Sanctuary cities undermine law enforcement, allow criminals to walk free, and encourage illegal immigration.**

On July 1, 2015, 32-year-old Kate Steinle and her father were walking on a pier in San Francisco when she was shot in the chest and killed. The man who fired the gun was Juan Francisco Lopez-Sanchez, a repeat felon and undocumented immigrant who had been deported to Mexico five times.<sup>20</sup>

This tragedy shined a spotlight on San Francisco's sanctuary policies. Prior to Steinle's murder, the county sheriff had held Sanchez for a warrant related to an old marijuana case, but it had been dismissed. ICE issued a detainer request and asked to be notified if Sanchez was released, but the sheriff's office did not comply.<sup>21</sup>

Although the sheriff did not violate the law, his department made a conscious decision to not inform ICE that an undocumented habitual criminal had been released.<sup>22</sup> This is the danger of sanctuary cities. They undermine federal law enforcement efforts and make the nation less safe. "Sanctuary jurisdictions across the United States willfully violate Federal law in an attempt to shield aliens from removal from the United States," President Trump said in his executive order. "These jurisdictions have caused immeasurable harm to the American people and to the very fabric of our Republic."<sup>23</sup>

Between January and August 2014, CIS found that 8,415 undocumented immigrants were released from local jails despite federal detainer requests. More than 1,800 of these people were re-arrested for drug violations, drunk driving, and other crimes (including one felony sex offense involving a child).<sup>24</sup> This is unacceptable. The government must discourage such policies by withholding funding from sanctuary cities. San Francisco receives approximately one-tenth of its \$9.6 billion budget from the federal government—so it is only reasonable for the city to comply with federal law enforcement priorities.<sup>25</sup>

The United States was founded on the rule of law, and sanctuary cities willfully undermine law enforcement efforts. "Imagine the FBI suspects that an individual, who is in the U.S. illegally, is plotting a terror attack," Senator Toomey wrote. "Federal immigration officials want to find the suspected terrorist, so they can question him and possibly deport him. They ask Philadelphia police for information on the suspect. Under the city's sanctuary city policy, Philly police must respond, essentially, 'Come back after this individual has committed and been convicted of an act of terrorism or some other violent felony. Until then, we cannot help you.' How does this make any sense?"<sup>26</sup>

There are already 11.1 million undocumented immigrants in the United States.<sup>27</sup> Sanctuary cities send a message that illegal immigration is acceptable—and even encouraged. U.S. taxpayers cannot afford to pay for public education, infrastructure, and other services for this population any longer.

**NO: Cities are not equipped to enforce immigration laws, and doing so would harm police work and the community.**

"The Bay Area is home to millions of people who sought refuge and a chance at a better life," San Francisco Mayor Ed Lee said. "As mayors, we stand together in our responsibility to keep our cities safe and healthy and take care of all our residents and families, regardless of status. We will not give in to threats, or political grandstanding."<sup>28</sup>

President Trump and anti-immigration activists have vilified sanctuary cities for too long. These cities and counties are not breaking the law—they are merely refusing to spend their valuable time and resources doing the work of the federal government.

Police forces must be free to spend their time solving local crimes, not fielding requests from ICE. "If police officers were to do the work of ICE, it would harm our ability to keep people safe and solve crimes," said Minneapolis Mayor Betsy Hodges. "Witnesses and victims of crimes won't come forward if they think our police officers will question or detain them about their immigration status."<sup>29</sup>

The Major Cities Chiefs Association, a group that represents police chiefs and sheriffs in the nation's largest urban areas, agreed. "Immigration enforcement by local police would likely negatively affect and undermine the level of trust and cooperation between local police and immigrant communities. ... [This] would result in increased crime against immigrants and in the broader community, create a class of silent victims, and eliminate the potential for assistance from immigrants in solving crimes or preventing future terrorist acts."<sup>30</sup>

It is also unfair to paint sanctuary cities as hotbeds of crime, as President Trump has done. In 2015, the typical sanctuary county in a large metropolitan area experienced 654 fewer crimes per 100,000 residents than the typical non-sanctuary county in a comparable metropolitan area. This analysis of FBI crime data by University of California San Diego professor Tom Wong was published by the liberal-leaning Center for American Progress. The one small exception was that medium-sized cities and counties on the fringe of large metropolitan areas had slightly higher crime rates if they were sanctuaries.<sup>31</sup>

If the government can withhold funding from sanctuary cities, this sets a perilous precedent. U.S. law does not require local authorities to comply with detainer requests, but President Trump and several states are essentially arguing otherwise. "It is both unconstitutional and a very dangerous precedent," wrote George Mason University professor Ilya Somin. "Trump and future presidents could use it to seriously undermine constitutional federalism by forcing dissenting cities and states to obey presidential dictates, even without authorization from Congress."<sup>32</sup>

# SANCTUARY CITIES: KEY TERMS

## **Deportation**

Deportation is the lawful removal of a foreign national from the United States.

## **Detainer request**

A detainer request is a request that federal immigration officials make to a county jail to hold an undocumented inmate (usually for 48 hours) so the officials can begin the process of deportation.

## **Felon**

A felon is someone who has committed a serious crime, often one involving violence.

## **Refuge**

Refuge is another word for safety or shelter.

## **Sanctuary city or county**

A sanctuary city or county is one that limits its cooperation with federal immigration enforcement actions. The exact legal definition of sanctuary city or county can vary.

## **Undocumented immigrant**

An undocumented immigrant is someone who has come to live in the United States illegally by sneaking over a border, using false documents, or overstaying the limits of his or her visa.

# SANCTUARY CITIES: READING GUIDE

**1. What is a sanctuary city?**

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**2. Briefly describe a detainer request. Why is this idea important in the sanctuary city debate?**

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**3. In your own words, explain why someone would support government penalties for sanctuary cities.**

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# SANCTUARY CITIES: READING GUIDE

**4. In your own words, explain why someone would oppose government penalties for sanctuary cities.**

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**5. How, if at all, do you believe the existence of sanctuary cities affects you? How, if at all, do you believe government penalties for sanctuary cities affect you? Explain your answer.**

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# SANCTUARY CITIES: ENDNOTES

- <sup>1</sup> Green, Matthew, and Jessica Tarlton. "What Are Sanctuary Cities and How Are They Bracing for Trump's Immigration Crackdown?" KQED. 7 Feb. 2017. Web. 14 Feb. 2017.
- <sup>2</sup> Kopan, Tal. "What Are Sanctuary Cities, and Can They Be Defunded?" CNN. 25 Jan. 2017. Web. 14 Feb. 2017.
- <sup>3</sup> Cameron, Darla. "How Sanctuary Cities Work, and How Trump's Executive Order Might Affect Them." *Washington Post*. 25 Jan. 2017. Web. 14 Feb. 2017.
- <sup>4</sup> Cameron, Darla. "How Sanctuary Cities Work, and How Trump's Executive Order Might Affect Them." *Washington Post*. 25 Jan. 2017. Web. 14 Feb. 2017. Kopan, Tal. "What Are Sanctuary Cities, and Can They Be Defunded?" CNN. 25 Jan. 2017. Web. 14 Feb. 2017.
- <sup>5</sup> National Conference of State Legislatures. "States Offering Driver's Licenses to Immigrants." 8 Jul. 2015. Web. 14 Feb. 2017.
- <sup>6</sup> Krogstad, Jens Manuel, Jeffrey Passel, and D'Vera Cohn. "5 Facts About Illegal Immigration in the U.S." Pew Research Center. 3 Nov. 2016. Web. 14 Feb. 2017.
- <sup>7</sup> Trump, Donald J. "Executive Order: Enhancing Public Safety in the Interior of the United States." WhiteHouse.gov. 25 Jan. 2017. Web. 14 Feb. 2017.
- <sup>8</sup> Toomey, Pat. "S. 87: Stop Dangerous Sanctuary Cities Act." 10 Jan. 2017. GovTrack.us. Web. 14 Feb. 2017.
- <sup>9</sup> Aguilar, Julián. "Texas Senate Approves Anti-'Sanctuary' Legislation, Sending Bill to House." *Texas Tribune*. 7 Feb. 2017. Web. 14 Feb. 2017.
- <sup>10</sup> Levy, Marc. "Pennsylvania Senate Passes Bill Targeting Sanctuary Cities." Associated Press. 8 Feb. 2017. Web. 14 Feb. 2017.
- <sup>11</sup> Clark, Kristen. "Bills Seek to Ban Immigrant 'Sanctuaries' in Florida—with Penalties for Not Obeying." *Miami Herald*. 9 Feb. 2017. Web. 14 Feb. 2017. Russell, Betsy. "Proposed Law in Idaho Would Discourage Sanctuary Cities and Direct Law Enforcement to Question People's Immigration Status." *The Spokesman-Review*. 30 Jan. 2017. Web. 14 Feb. 2017. Campbell, Colin. "NC House Bill Would Penalize Immigration Sanctuary Cities." *Raleigh News & Observer*. 8 Feb. 2017. Web. 14 Feb. 2017. Broyles, Abby. "'You Incentivize a Lot of Bad Things,' Oklahoma Senator Files Bill to Ban Sanctuary Cities in Oklahoma." KFOR.com. 1 Feb. 2017. Web. 14 Feb. 2017. Sawyer, Ariana Maia. "Lawmaker Introduces Tennessee 'Sanctuary City' Ban." *The Tennessean*. 8 Feb. 2017. Web. 14 Feb. 2017. DeFour, Matthew. "State Republicans Reintroduce Proposal to Penalize Sanctuary Cities." *Wisconsin State Journal*. 3 Feb. 2017. Web. 14 Feb. 2017.
- <sup>12</sup> Murphy, Katy. "A Defiant California Poised to Become 'Sanctuary State.'" *San Jose Mercury News*. 31 Jan. 2017. Web. 14 Feb. 2017.
- <sup>13</sup> Zezima, Kate. "San Francisco Sues Trump Over Order on Sanctuary Cities." *Washington Post*. 31 Jan. 2017. Web. 14 Feb. 2017.
- <sup>14</sup> Green, Matthew, and Jessica Tarlton. "What Are Sanctuary Cities and How Are They Bracing for Trump's Immigration Crackdown?" KQED. 7 Feb. 2017. Web. 14 Feb. 2017.
- <sup>15</sup> Lee, Jasmine, Rudy Omri, and Julia Preston. "What Are Sanctuary Cities?" *New York Times*. 6 Feb. 2017. Web. 14 Feb. 2017.
- <sup>16</sup> Kopan, Tal. "What Are Sanctuary Cities, and Can They Be Defunded?" CNN. 25 Jan. 2017. Web. 14 Feb. 2017.
- <sup>17</sup> Vaughan, Jessica. "Sanctuary Cities Continue to Obstruct Enforcement, Threaten Public Safety." Center for Immigration Studies. 14 Dec. 2016. Web. 14 Feb. 2017.
- <sup>18</sup> O'Neal, Lydia. "Sanctuary Cities 2017: How Much Money Do They Receive From the Federal Government?" *International Business Times*. 25 Jan. 2017. Web. 15 Feb. 2017. Blanco, Octavio. "Sanctuary Cities Risk Billions in Defiance of Trump." CNN. 19 Nov. 2016. Web. 15 Feb. 2017. Green, Emily, and Kevin Fagan. "SF Mayor Lee Stands Up to Trump, Says City Remains a Sanctuary." *San Francisco Chronicle*. 26 Jan. 2017. Web. 14 Feb. 2017.
- <sup>19</sup> Taxin, Amy. "Immigrants Often Re-Arrested After Release." Associated Press. 14 Jul. 2015. Web. 14 Feb. 2017.
- <sup>20</sup> Sanchez, Ray. "San Francisco Death: Kate Steinle's Family Files Lawsuit." CNN. 28 May. 2016. Web. 14 Feb. 2017.
- <sup>21</sup> Graves, Allison, and Neelesh Moorthy. "Who Were the Victims of Illegal Immigrants Trump Named at the RNC?" PolitiFact. 21 Jul. 2016. Web. 14 Feb. 2017.
- <sup>22</sup> Associated Press. "San Francisco Cleared in the Death of Kathryn Steinle." 9 Jan. 2017. Web. 14 Feb. 2017.
- <sup>23</sup> Trump, Donald J. "Executive Order: Enhancing Public Safety in the Interior of the United States." WhiteHouse.gov. 25 Jan. 2017. Web. 14 Feb. 2017.

## SANCTUARY CITIES: ENDNOTES

- <sup>24</sup> Taxin, Amy. "Immigrants Often Re-Arrested After Release." Associated Press. 14 Jul. 2015. Web. 14 Feb. 2017.
- <sup>25</sup> Green, Emily, and Kevin Fagan. "SF Mayor Lee Stands Up to Trump, Says City Remains a Sanctuary." *San Francisco Chronicle*. 26 Jan. 2017. Web. 14 Feb. 2017.
- <sup>26</sup> Toomey, Pat. "Toomey's Take: Stop Dangerous Sanctuary Cities." Official Website of Senator Pat Toomey. 30 Jun. 2016. Web. 14 Feb. 2017.
- <sup>27</sup> Krogstad, Jens Manuel, Jeffrey Passel, and D'Vera Cohn. "5 Facts About Illegal Immigration in the U.S." Pew Research Center. 3 Nov. 2016. Web. 14 Feb. 2017.
- <sup>28</sup> Kirschenheuter, Emily. "Mayor Says San Francisco Will Remain Sanctuary City Despite Trump's Executive Order." KRON. 26 Jan. 2017. Web. 14 Feb. 2017.
- <sup>29</sup> Palm, Brent. "Mpls. Mayor Responds to Trump's Threat to Cut Funding to 'Sanctuary Cities.'" KSTP. 13 Nov. 2016. Web. 14 Feb. 2017.
- <sup>30</sup> Ingraham, Christopher. "Trump Says Sanctuary Cities Are Hotbeds of Crime. Data Say the Opposite." *Washington Post*. 27 Jan. 2017. Web. 14 Feb. 2017.
- <sup>31</sup> Ibid.
- <sup>32</sup> Somin, Ilya. "Why Trump's Executive Order on Sanctuary Cities is Unconstitutional." *Washington Post*. 26 Jan. 2017. Web. 14 Feb. 2017.