

## Sanctuary Cities

The term “sanctuary city” is generally used to describe places that limit cooperation between local law enforcement and federal immigration agents. Most often this term has been applied to jurisdictions that do not fully cooperate with Immigration and Customs Enforcement (ICE) agents in identifying, locating, and arresting illegal immigrants.

The existence of “sanctuary cities” raises questions and concerns about the expectations and responsibilities of local law enforcement to assist federal immigration agents in the apprehension of illegal immigrants. Many local jurisdictions that are reluctant to help federal agents argue that they rely on good relationships with the immigrant population to deal with local crime and they do not want to target immigrants who are otherwise law abiding. Immigrant advocates and some law enforcement officials claim that making local law enforcement responsible for federal immigration law deeply damages the already limited trust between police and immigrant communities, making people afraid to call police or provide information when serious crimes occur. Lack of trust in local policing, they say, is a greater threat to public safety. Federal immigration agencies argue that, to strengthen border security, they need assistance from local law enforcement to identify illegal immigrants who should be detained and processed for deportation based on national immigration policies.

Under the Obama administration, immigrants in the U.S. illegally who had been convicted of serious crimes were prioritized for deportations. Five days after his inauguration, President Trump signed an executive order targeting jurisdictions that hinder communication with the Department of Homeland Security regarding a person’s immigration status and blocking federal funding to those jurisdictions. Under the new rules set out by the Trump administration, federal agents would seek to deport people in the country illegally who were convicted of *any* crime, no matter how minor. In fact, agents could prioritize for deportation people who have just been charged with a crime—or people who have committed an act for which they could be charged. [Changes to Immigration Enforcement](#)

Consequently, the sanctuary city issue is now tied directly to the debate about the need to reform our immigration polices. The Trump administration claims that sanctuary cities allow criminals to go free, leading to crimes that could have been avoided if the immigrants had been deported. Defenders of the sanctuary city concept maintain that targeting all violators of immigration laws is essentially a national endorsement of racial profiling.

Across the country, public officials in many large cities have publicly declared their city to be a sanctuary, even though the city may not have actual policies in place. These local law enforcement jurisdictions insist that their resistance to identifying illegal immigrants does not prevent them from pursuing those who may commit crimes. Opponents claim that sanctuary cities provide safe harbor for illegal immigrants because their protective policies actually prevent federal agents from identifying and apprehending immigrants who violate federal laws. According to the Immigrant Legal Resource Center, the number of jurisdictions that limit how much the local police cooperate with requests from federal authorities to hold immigrants in detention is difficult to establish. At least five states—California, Connecticut, Oregon, Rhode Island, and Vermont—have laws that limit the extent to which local law enforcement can cooperate with federal immigration agents. The Center found 633 U.S. counties with

similar policies. Policies limiting cooperation with immigration detainers are typically put in place at the city or county level. Sanctuary policies often mean local officials do not ask about a person's immigration status, but this varies city-to-city and county-to-county, so there is no universal definition of what constitutes a sanctuary city. [NYT--Sanctuary Cities](#)

Policies and practices differ in the estimated 60 sanctuary cities around the country—a list that includes major cities such as New York, Los Angeles, San Francisco and Houston. But generally, when someone has been, for instance, arrested for driving without a license and then identified as an illegal immigrant at a jail in a sanctuary city, they must serve jail time for state charges or pay related fines. Then, they are let go without the city notifying ICE.

Meanwhile, some states like Texas have addressed the sanctuary city issue as a matter of state law. In its recent session, the Texas Legislature passed and the Governor signed into law SB4, a measure banning so-called sanctuary cities by punishing jurisdictions that do not fully cooperate with federal immigration officials. The Austin City Council has already given permission for the city's legal team to sue the state of Texas. Maverick County, El Paso County and the border city of El Cenizo have filed similar lawsuits. Legal challenges to SB4 banning sanctuary cities in Texas are already underway.

As Austin and other cities across the state prepare to challenge it in court, local officials, law enforcement agencies and immigration attorneys continue to study what changes the law will bring when it goes into effect September 1. An article in the Austin *American-Statesman* cites immigration attorney Kate Lincoln-Goldfinch, who says there will be two major changes. First, Travis County, as well as every other jurisdiction in the state, must now comply with federal immigration agents' requests for inmates in its custody, without exceptions. Jurisdictions that don't comply could be fined up to \$25,000 a day. Second, officers with any law enforcement agency, including university and school district police departments, have the right to ask people stopped for questioning about their immigration status.

Organizations such as the Texas Major Cities Chiefs and the Texas Police Chiefs Association expressed their opposition to SB 4. In an April 28 opinion piece in the *American-Statesman*, the two organizations argued that the law will create a rift between local police departments and immigrant communities, leading to an increase in "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 crime."

According to Austin Police Lt. Francisco Rodriguez, the department's officers have met with Latino and immigrant communities to "let them know that we will continue to serve the community as we always have." In what was considered a pre-emptive strike, Texas Attorney General Ken Paxton filed a lawsuit against several Travis County and city of Austin officials, including Travis County Sheriff Sally Hernandez and Austin Mayor Steve Adler, seeking a judge's opinion on SB 4's legality and challenging the claim that it's unconstitutional.