

Center for Constitutional Rights

Discrimination, Detention, and Deportation: Immigration & Refugees

<https://ccrjustice.org/home/blog/2017/02/10/seeking-actual-sanctuary-us-cities>

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The CCR blog

Sanctuary cities. Everybody is talking about them.

Less than two weeks ago, New York City Mayor de Blasio said [we will go to court immediately](#) if President Trump cuts federal funding because of the Mayors sanctuary city executive order. But what exactly are so-called sanctuary cities? And, is fighting for the creation of sanctuary cities the same as fighting for cities that actually are safe for immigrant communities in those cities?

Sanctuary cities are generally created through two locally adopted practices. First, local authorities decline to pass along to federal agents information about immigrants who encounter law enforcement, with exceptions for immigrants who are convicted of certain crimes. Second, sanctuary cities do not hold immigrants for deportation unless they are presented with a judicial warrant.^[1]

How is this legal? Well, federal immigration law does not require local authorities to detain undocumented folks or other immigrants, such as lawful permanent residents, who come into contact with law enforcement. That's right. Local authorities compliance with federal officials requests to enforce certain deportation proceedings is [voluntary](#).

Trump's order signed January 25, 2017 seeks to punish cities that do not comply with federal agents and broaden the category of deportable reasons to target more immigrants. The executive order allows removal for people who (i) have committed acts that constitute a chargeable offense or, (ii) in the judgment of an immigration officer, otherwise pose a risk to public safety. The order also requires Department of Homeland Security (DHS) to identify sanctuary cities and publish comprehensive list of criminal actions committed by aliens once a week.

As the dehumanizing and poorly tailored target on the backs of immigrants becomes larger, cities that refused to turn over immigrants to be deported do serve as useful shields. But does having a shield mean immigrants do not live under the threat of a deadly sword?

Hardly.

Sanctuary policies are solely one tool to *reduce* state-sanctioned and facilitated violence. However, we shouldn't confuse these much needed practices with people's everyday reality. We must continue to pay attention to and respond to the ways in which cities including sanctuary cities remain far from safe.

First, while localities can reduce cooperation with immigration authorities, they cannot stop [Immigration and Customs Enforcement \(ICE\)](#) or [Customs and Border Protection \(CBP\)](#) from conducting operations on their own. Second, whether or not local law enforcement cooperates with federal agents, police are the first point of contact in most Black, Latinx, and Muslim immigrant (and non-immigrant) communities. Aggressive policing and extrajudicial policing in the United States is a [toxic problem](#). By the age of twenty-three, 1 in 3 people living in the U.S. will be [arrested](#) at least once. Addressing one component of the immigration system (e.g., not detaining immigrants for deportation proceedings) will not by itself keep immigrants safe. For many immigrants in sanctuary cities, such policies do little to address the aggressive (and too often [deadly](#)) policing sword that frequently is aimed at [Black immigrants](#) and other immigrants of color. While some localities are trying to decriminalize certain crimes Los Angeles, for example, recently responded to local organizing by decriminalizing street vending rarely do such initiatives target the bread and butter of policing in communities of color: [summons for minor violations](#), racial profiling, and disproportionate police presence in [public schools](#) and other public spaces.

Certainly, sanctuary cities are important. They were important and needed under Obama's administration and they'll be important and needed under Trump's administration. Still, we must resist the notion that sanctuary cities as they currently exist are *the* answer. Sanctuary cities must extend protection from *all* forms of state-sanctioned violence, especially those that overlap.

Trump has gone beyond [dog whistling](#). His blatant racism regarding immigrants has been heard around the world and has compelled [many across the country](#) to demand protection for immigrants. We are at a moment where masses of people are questioning everything in ways they had not before. I urge us to dream bigger and better to join [BAJI](#), [Mijente](#), and others in [redefining what safety and freedom truly means for our communities](#). Radical transformation is needed and, for better or for worse, Trump's presidency presents an opportunity to change our local and state [policies](#) not only to reduce harm, not only to create shields, but also to create true sanctuaries.

^[1] Fingerprint data at the time of arrest is still shared with the FBI, who passes the information to the Department of Homeland Security and Immigration and Customs Enforcement (ICE). Therefore, even if a person is not convicted of the crime for which they are arrested, undocumented immigrants with previous convictions are at [risk of deportation](#).

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