

Ten Key Points – Sanctuary Cities (from the Immigrant Legal Resource Center)

Summary: Counties and cities hold full legal authority and tremendous power in making a real difference in keeping families together by providing clear, policy-based distinctions between their local responsibility to enforce criminal law and the federal government’s responsibility to enforce civil immigration law. The continuous blurring of those lines puts millions at risk of being unjustly targeted for deportations and destabilizes entire communities.

1. In today’s immigration context, **the notion of providing sanctuary as a city or county has come to mean many things**, including but not limited to:
 - a. declining to spend local resources assisting with immigration enforcement,
 - b. offering city services without respect to immigration status or English language ability, all to ensure fair and equal treatment for all
 - c. refusing to detain immigrants for ICE
 - d. protecting confidential records
 - e. preventing local officials from inquiring about or investigating immigration status
 - f. providing access to legal counsel and a fair day in court for immigrants in deportation proceedings.
2. **The provisions of city and county sanctuary policies lie in line with, not in defiance of, our federal system.**

Local jurisdictions have no legal obligation to assist with civil immigration enforcement, which is the responsibility of the federal government. A local decision to offer resources to federal immigration enforcement authorities is completely voluntary - and in effect lends local law enforcement resources to a federal role and responsibility.

3. Sanctuary policies uphold due process and equal treatment under the law.

Americans like to believe in equal justice, but it’s not always so for immigrants. Our immigration system is considered civil in nature and therefore offers none of the due process protections afforded in our criminal legal system. Immigrants have no right to a public defender to fight their deportation, and many do not even get a hearing in court or the chance to appeal to a judge to use discretion to consider the full merits of their case. Many immigrants facing deportation are imprisoned for long periods of time, without access to counsel or even a right to a bond hearing, devastating their families.

4. Jurisdictions that involve themselves in deportations may be violating our Constitution and/or federal law.

Jurisdictions that hold people on immigration detainers, which request that local police hold a person in jail custody for immigration purposes, may be violating the Fourth Amendment by detaining people without a warrant or probable cause. An immigration detainer is not a warrant, is not reviewed by a judge, and does not provide evidence of probable cause of a crime. Many jails that have detained people on immigration detainers have been held liable for violating the person’s constitutional rights.

5. The President’s threat to cut funding for sanctuary cities is legally questionable and purely retaliatory in motivation.

It is because of voluntary assistance from local law enforcement that the federal government has gained

the capacity to detain and deport millions of people, and mandating this involvement only serves to push the federal anti-immigrant agenda permanently banishing millions of our community members from the country.

6. When communities view local law enforcement as a direct gateway to permanent separation from their families, the already-fragile relationship of community trust with police becomes completely severed, putting everyone's safety at risk.

As a result, victims of domestic and other violence choose to suffer in silence rather than seek assistance; key witnesses of crime refuse to come forward out of fear that they themselves will be treated as a criminal; a climate of fear grips entire neighborhoods; and anxiety-ridden children struggle in school. The public safety of all of our nation's residents is endangered - a safety that rests solidly on the premise that police are there to protect and to serve all residents equally.

7. Sanctuary policies protect against the biased policing that is rampant in communities of color.

When local police and sheriffs participate in deportations, immigrants need not be convicted of an offense before they find themselves shuffled directly into immigration detention and deportation. Every encounter with local law enforcement provides ample opportunity for immigrants to be racially profiled and flagged for deportation, regardless of their immigration status, or whether they were charged with or convicted of a crime. Sanctuary policies deter inquiries into immigration status to prevent this kind of profiling.

8. Sanctuary policies ensure that we do not use immigration enforcement as a replacement for a fair day in court and discourage double punishment.

Those with any history of convictions have already served their time in the criminal justice system. To punish them again by denying them their right to a fair day in court is fundamentally un-democratic and un-American. If we begin to walk that slippery slope where constitutional protections are reserved only for some, we are all at risk. Our commitment to forgiveness and second chances must apply to all those who make a mistake and serve their time, regardless of immigration status.

9. City leaders can and must continue to enact policies that prevent unnecessary deportations.

Most jurisdictions today [voluntarily offer](#) substantial assistance to federal immigration enforcement. Without enacting stronger [county-level policies](#) limiting assistance with deportations, county elected officials and sheriffs knowingly continue to put their residents at risk of unjust and at-times illegal deportations.

10. It is unjust and un-American to deny someone liberty because of where they came from or how they arrived here, and we are prepared to fight this abuse of civil liberties and uphold the rights afforded by our Constitution to ALL persons living in the United States.

This attempt to round up millions of our neighbors, friends, classmates and coworkers, to deny immigrants the same due process and access to a fair day in court that is afforded to the citizens that cycle through our criminal legal system, and to punish our localities for standing on the right side of the law flies in the face of the fairness that our justice system rests upon.

Suggested Frames – Sample ILRC Quotes to Use as Inspiration:

1. “In the United States, we do not reserve basic constitutional protections only for some and we must not begin now. Local jurisdictions have a tremendous responsibility to serve all residents, no matter where they were born, and to ensure that they all receive fair and equal treatment under the law.”
2. “Our local leaders and law enforcement agree, and many of them have spoken out against local involvement in immigration enforcement, citing that it further endangers public safety, drains local resources, and erodes an already-fragile community trust in the police.”
3. “Local law enforcement knows best how to keep their neighborhoods safe, so let us allow them to do their jobs and don’t ask them to do yours, Mr. Trump. Immigration enforcement is a federal responsibility, not a local one. Our Constitution does not have loopholes, and we will not turn a blind eye to any attempts to poke holes in its protections.”
4. “The President’s move to compel local communities to carry out the work of federal authorities stands on questionable legal ground, and it violates the principles of local control. We will do everything in our power to safeguard the legal rights of local elected officials to govern their communities with autonomy and regard to their own local values and priorities.”
5. “We must not let ourselves be fooled by unsavory attempts by politicians to scapegoat immigrants for the challenges concerning this country today. Playing the blame game is only a distraction from the real work of rolling up our sleeves together and reforming our government so that it equally invests in, not punishes, the communities that are struggling the most.”
6. “This attempt to round up millions of our neighbors, friends, classmates and coworkers, to deny immigrants the same due process and access to a fair day in court to the citizens that cycle through our criminal legal system, flies in the face fairness – the very value our justice system rests upon. It is unjust and un-American to deny someone liberty because of where they came from or how they arrived here, and we are prepared to fight this abuse of civil liberties and uphold the rights afforded by our Constitution to ALL persons living in the United States.”