

How sanctuary cities work, and how Trump's executive order might affect them

By **Darla Cameron**

Updated: Jan. 25, 2017

President Trump released an [executive order](#) on Wednesday to support immigration enforcement and punish local governments that don't comply with federal authorities. In some so-called "sanctuary cities," officials refuse to hand over illegal immigrants for deportation. Because jails are typically run by counties, rather than cities, county policies can matter more to immigrants.

Where are sanctuary counties?

An Immigration and Customs Enforcement compliance report obtained by the [Immigrant Legal Resource Center](#) showed that, in the **168 counties** where most of the 11 million illegal immigrants live:



69 sanctuary counties decline

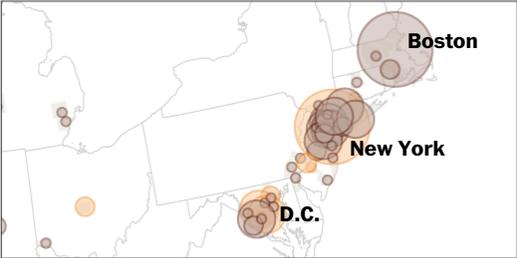
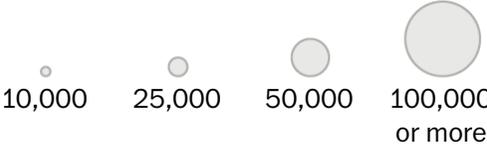
federal requests to hold arrestees in jail due to their immigration status



99 counties accept

federal requests to hold arrestees in jail due to their immigration status

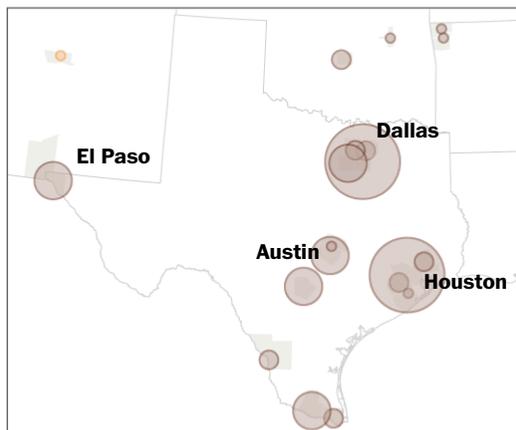
Estimated illegal immigrant residents in each county



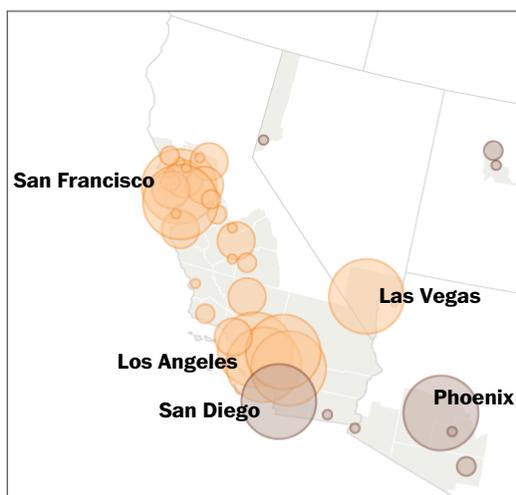
New York City, where city police run the jail for five counties, is surrounded by suburbs where detainer requests are almost always accepted.



Chicago's Cook County declines detainer requests but none of its neighboring counties do.



An estimated 1.4 million illegal immigrants live in Texas, but none of its county jails typically decline detainer requests.



California has state laws that make it difficult for jails to turn illegal immigrants over to federal officials, but its border counties still tend to cooperate with detention requests.

[\[Trump's intervention into policing, voting and immigration sets up showdown with America's largest cities \]](#)

Federal officials must rely on local police to help enforce federal immigration laws, but the law doesn't require local authorities to detain illegal immigrants just because their federal counterparts make a request. In fact, [federal courts across the country](#) have found complying with the requests is voluntary.

“It’s a county’s policy around assistance with deportations that gauges how much at risk any immigrant is in terms of being filtered into this pipeline that Trump and company have promised,” said Kemi Bello, communications director at the Immigrant Legal Resource Center.

[\[Trump wants to empower local police to enforce immigration law, raising fears of racial profiling \]](#)

Trump’s executive order attempts to change this pipeline by directing federal immigration agents to target a broader group of immigrants for deportation. Previously, crime-based grounds for removal required a conviction. The order calls for the removal of those who “have committed acts that constitute a chargeable criminal offense” or pose a risk to public safety in the judgement of an immigration officer.

“It’s going to target more individuals who are undocumented who have had any sort of interaction with local law enforcement at all, including just an arrest,” said Phil Torrey, a lecturer at Harvard Law School who specializes in criminal and immigration law.

Here’s how the deportations process usually works, and how it could change:



A **city police officer** pulls someone over and arrests him or her for something unrelated to citizenship (such as drunken driving or disorderly conduct). Whether or not the city has a sanctuary policy ...



... he or she is booked into the local county jail, which is usually run by the **county sheriff's department**.



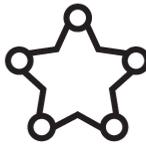
At the jail, his or her fingerprints are taken and sent to the **FBI**, which sends the inmates' information to **Immigration and Customs Enforcement**. U.S. law requires this information sharing between local and federal law enforcement agencies.



If ICE finds that the inmate is undocumented, it submits a **detainer request** to the county jail. ICE typically asks jails to hold inmates an extra 48 hours after they would otherwise be released so they can get a warrant to begin deportation proceedings.

Under Trump's new policy, ICE could begin deportation earlier in the process, before criminal proceedings are complete.





The **Department of Homeland Security** has said that complying with these requests is voluntary because keeping someone in jail without a warrant violates the 4th Amendment. So, what happens next depends on county policy.



If the county says “No”



If the jail is in a county with a policy of frequently declining these requests, the inmate is released once the criminal case is complete — if the he or she is convicted but doesn't face additional jail time, if charges are dropped or if bail is met.

A **Department of Justice** inspector general report found that some jails will only comply with a detainer request when the inmate has prior felony convictions, gang membership or is on a terrorist watch list. Others reject every detainer request.

If the county says “Yes”



If the county typically complies with ICE requests, the inmate would stay in jail while ICE works to obtain an administrative deportation warrant.



If ICE obtains the warrant, they could pick up the inmate and transfer him to a federal prison. Or, the inmate could stay in county jail while he or she undergoes deportation proceedings. If so, the jail can request money from the

Department of Justice to recoup part of the
cost of detainment.



Eventually, the inmate could be deported.

These discrepancies can lead to confusion when neighboring counties — or cities within the same county — have different policies.

“That’s why immigration is a federal responsibility. You cannot have 3,000 different policies, it’s chaos,” said Jessica Vaughan, director of policy at the Center for Immigration Studies, which advocates reducing immigration levels.

[\[*The GOP’s condemnation of ‘sanctuary cities’ is surprisingly awkward in Iowa* \]](#)

Police and politicians in these areas say that honoring ICE detainer requirements could scare people away — they don’t want undocumented people to be afraid to contact the police if they need help. “They are relying on folks to not be afraid of the police to report crimes,” Torrey said. He also said Trump’s executive order will further discourage immigrants from contacting local police.

Discrimination is also a concern, according to the Immigrant Legal Resource Center. “We find this involvement of local jails really troubling — it really undermines the idea that the criminal legal system protects everyone when a police stop is a gateway to deportation,” Lena Graber, center attorney, said.

[\[*D.C., other ‘sanctuary cities’ defiant in the face of Trump’s threats* \]](#)

How the promise could play out

Experts are skeptical that Trump could fulfill his [campaign pledge](#) to eliminate all federal funding from sanctuary localities, citing a [Supreme](#)

[Court ruling](#) that funding can only be withheld if it is relevant “to the federal interest in the project.” Cities, counties and states with sanctuary policies get federal money from dozens of different departments, most of which are not related to immigration.

Trump’s Jan. 25 executive order asked the Departments of Justice and Homeland Security to withhold “federal funds, except as mandated by law” from sanctuary cities. This unclear wording that [puzzled elected officials](#) and municipal attorneys. Homeland Security funds could include money allocated to cities for counterterrorism.

Law enforcement grants administered to sanctuary jurisdictions by the Justice Department were already a target under the Obama administration. In May, the department investigated [grant recipients based on potential violations of a federal statute](#) that requires local agencies to share information on inmates with the federal government. Trump’s executive order also specifically mentioned this law, but as it stands, the law does not address detention requests. Torrey said local departments are in compliance if they keep the lines of communication open, whether or not they honor detention requests.

The Justice Department inspector general report found that 10 large jurisdictions that received \$342 million in active justice assistance grants as of March 2015 and that received State Criminal Alien Assistance Program grants in fiscal year 2015 have policies that could put them in violation of the information-sharing law.

California	\$132.4 M
Connecticut	69.3 M
New York City	60 M
Chicago	28.5 M
Philadelphia	16.5 M
Miami-Dade County, Fla.	10.8 M
Milwaukee	7.5 M
Clark County, Nev.	6.3 M
Cook County, Ill.	6 M
Orleans Parish, La.	4.7 M

These grants make up a relatively small part of the federal budget and are not a substantial source of revenue for larger cities. Federal funds made up 10 percent of [New York City's \\$80.5 billion budget](#) in 2015, and \$60 million in justice grants is just .75 percent of the city's grant revenue.

[\[After years on the outside, foes of legal immigration find a louder voice with Trump's election\]](#)

In 2015, the [House passed a bill](#) to prevent sanctuary cities from receiving one federal grant directly related to immigration. The State Criminal Alien Assistance Program reimburses part of the cost of housing inmates during the second phase of deportation proceedings. The grants do not reimburse jails for holding inmates on detainer requests — that's on their own dime, according to a [report by the Immigrant Legal Resource Center](#).

But a Washington Post analysis found that many counties with sanctuary policies get little or no money from this program. The Department of Justice paid \$165 million for the grants last year, with \$18 million going to jurisdictions with policies of not cooperating with ICE.

Cutting funding isn't the only way for the Trump administration to get places with sanctuary policies to help with deportation. Vaughan said another option is seeking an injunction in federal court to block specific policies, especially in jurisdictions that "will not cooperate in any way with ICE." She said the worst offenders are Cook County, Ill., (home to Chicago), King County, Wash., (Seattle), and three counties around San Francisco.

These and other cities and counties have sanctuary policies that go beyond rejecting detainer requests. Some jurisdictions instruct police to not ask about immigration status; offer municipal identification cards to illegal immigrants; or offer interpreters in city offices. D.C. recently set up a legal defense fund for illegal immigrants. Deportation proceedings are held in civil court instead of criminal court, so defendants don't have access to a public defender.

"I'm curious to see exactly what he does in terms of this defunding of sanctuary cities because it doesn't make sense from a legal standpoint or a political standpoint," Torrey said.

Trump's order also asked DHS to identify localities that don't comply with detention requests, and, once per week, to publish a "comprehensive list of criminal actions committed by aliens."

[\[President Trump is likely to keep a close eye on this brewing sanctuary city battle in Texas \]](#)

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Ide Clair

1/30/2017 7:44 AM EST

What are the stats for illegals reporting crime in sanctuary cities vs those not living in sanctuary cities? It is glaringly obvious to me that if sanctuary cities protect criminal illegals, a law abiding illegal would be

less likely to report crime, since criminal illegals are set free where they can seek revenge on those who report on them.

Like Reply Share

colonel1018

1/27/2017 4:33 PM EST

I lived in CT all my life until last year when I moved to North Carolina. Sanctuary Cities don't need Fed money for the most part, the rich states of CA,NY, CT will hire illegal through contractors. Trump never mention those greedy contractors hiring these illegals because he did it himself in the shadow. Let 'say North Carolina and other red states will comply fully with the order because their needs are different.

Like Reply Share

Oliver Grant

1/27/2017 5:34 PM EST

thats not true at all, no developer is involved in hiring construction workers, thats done through the contractor and according to state laws, it has absolutely nothing to do with Trump, Trump hires the Prime contractor, the prime hires the subs, thats it

Like Reply

MMSRLS

1/27/2017 3:11 PM EST

If people are afraid of being deported, they will not report crimes, even crimes that happen to them, so police departments in large cities have to reassure them they won't be deported.

There used to be another reason for sanctuary cities, and I'm a little sad I have heard nothing about it recently. If people are afraid they will be turned in, they will not take their kids to be vaccinated. They won't go to doctors, and epidemics - like Zika - will go unreported. So there are public health factors as well.

Like Reply Share

colonel1018

1/27/2017 4:42 PM EST

ask Rudy Giuliani former NYC Mayor and how he cleans the city without Fed aid.

Like Reply

Caasi Seyer

1/27/2017 11:28 AM EST

American Cities making a concerted effort to conceal people who are not necessarily criminals per say, but who are breaking immigration laws never the less. The confusion is unnecessary and the laws of the land are suppose to be followed. What is wrong with abiding by the law?

1 • Like Reply Share

It explains it in the article. It's not so much an issue with abiding with the law, it's more an issue with the consequences of doing so. If sanctuary cities held illegals to be deported, then the illegals would be less likely to report crimes, even ones done to them. This can create a lot of issues for all citizens. By promising illegals that they won't be deported for calling in crimes, they can work with them in stopping criminals that hurt everyone.

This is just one unintended consequence. Others include Stereotyping, blackmail / slavery (work for less and I won't call the cops and have you deported), economy of an area, prices for middle class and poor citizens, drops in labor forces, even medical issues. If illegals are worried of deportation, they are less likely to get vaccinated or take their young to hospitals which can cause an outbreak of virus in a city which hurts everyone.

I think most people want criminals that are illegal out, which is why if someone is charged with something counties often hold the criminal (even in sanctuary cities) to have them deported. This works because it often means illegals know that if they don't commit crimes, they don't get deported, if they do, they get deported. So it's a curtail on illegals committing crimes as well.

It's not just a black and white situation, it's a lot more complicated than just rounding up people and driving them across a border.

1 · Like Reply

Tori B

1/27/2017 9:34 AM EST

They remain 'sanctuary' because people in power are making undeclared income off those illegally residing there.

1 · Like Reply Share

Tori B

1/27/2017 9:28 AM EST

The states and cities shown are making \$millions/billions off the Federal Gov. for accepting illegals, PLUS the money they make off the illegal underground economy, very little of which goes into taxes to help keep those cities/states afloat. The big. loser here is the American taxpayer—again.

1 · Like Reply Share

TommyBoy

1/27/2017 8:58 AM EST

They will self deport if the Feds would quit giving illegal welfare to illegal and legal aliens. Both classes use welfare at double the rate of citizens.

Like Reply Share

Millennial_CPA

1/27/2017 8:58 PM EST

I'm not sure what you mean by "illegal welfare" particularly when it's given to legal aliens. Legal aliens are here legally, and they have to wait 5 years after obtaining legal status before receiving these benefits. At that time, they have been paying taxes for 5 years and are complying with our laws. I don't see how this is "illegal welfare."

And illegals don't qualify for welfare. Most of them pay taxes and pay into social security without ever hoping to benefit. I think you are thinking of their children who are born in the USA (and are therefore citizens) who then get welfare benefits. I would consider this an investment, as these children will grow up as citizens and will one day pay taxes just like everyone else.

<http://money.cnn.com/2014/11/20/news/economy/immig...>

(<http://money.cnn.com/2014/11/20/news/economy/immigration-myths/>)

1 • Like Reply

Ricardo Aschle

1/27/2017 8:54 AM EST

Aliens are CRIMINALS just by the fact they are in the United States ILLEGALLY and anyone not reporting them or aids them is a criminal as well.

I do not care if they are a law enforcement officer or a priest.

Like Reply Share

colonel1018

1/27/2017 4:47 PM EST

Let say, contractors hiring them are CRIMINALS, as you said , most of them USA citizen.

Like Reply

Millennial_CPA

1/27/2017 9:04 PM EST

And how would you propose cracking down on the "criminals" that don't report them? How do you prove that I didn't report someone? How do I prove that I see someone who may or may not be an illegal, do I just see that they aren't white and do my duty by calling the cops? Are you referring to employers? Many hire contracting companies that hire illegals. I think these companies all ready know they are supporting illegals and it's a risk to them, I don't think making them "required" to report will change this. Also, what if I hire a person to re-do my kitchen. Am I required to find out his SSN before I can hire him or her? How are you enforcing this law, and how are you able to enforce it so it is applied equally to all citizens without infringing on constitutional rights?

Your reacting emotionally, not logically. There are better ways to handle illegal immigration, it's a lot more complicated than just grabbing people and driving them across the border. Not to

mention, there are unintended consequences of just tossing millions of people out that will hurt all citizens. With every action, there is an equal or greater reaction.

1 · Like Reply

RiverRat37

1/28/2017 1:42 PM EST [Edited]

Ricardo ~ What if YOU were born to illegals and spent most of your life in the USA? You speak American English, you attended American schools, you are basically an all-American. And then along comes ICE and ships you out. What are you to do in your "new" country? You don't know the language, you have no friends or relatives there, and you have no idea what to do or anything about the culture.

That seems horribly insensitive and mean-spirited to me. The kids didn't break the law, why do they have to suffer? If you were one of those you'd get the picture in a hurry. Be a bit more thoughtful with your comments, eh? You're not acting like a good, solid, empathetic, caring, and understanding American. Sanctuary cities are.

Like Reply

TomKski

1/27/2017 6:20 AM EST

Why would I not want someone arrested for 'drunken driving or disorderly conduct' deported? How many lives are lost/ruined to drunken drivers? Why do we want to add to those numbers by allowing people from other countries who do this to remain?

3 · Like Reply Share

Just Saying60

1/27/2017 1:49 AM EST

Thank God for sanctuary cities and the State of California.

I keep hearing how Dems can not get over Trump election. And the women's march had so many issues, where was the focus?

I am an American Citizen 60 years old African American. I can trace my family's history past 1700's (Native American and Scottish).

I see the women march as ONE issue. Many people are AFRAID FOR THEIR SAFETY AND THEIR LIVES not just undocumented people and muslims.

In the last year African Americans marched, yelled, screamed, broke things while we begged our fellow citizens to care about our lives too. Our fellow citizens looked the other way even when a 12 year old was gunned down by police.

Many Already people, muslims, LGBT, chronically ill and women feel at risk.

The US has knowingly elected a person who has talked about assaulting women, limiting control over women's bodies, repealing healthcare, and rounding up undocumented workers and muslims. In our words any body not like him.

~~He has doubled down by installing a cabinet with similar views and less diversity than most past~~
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2 · Like Reply Share

doyoupay

1/26/2017 11:24 PM EST

i pay \$16,000 in taxes every year, and don't get any help from the government, wondering if a lazy white boy would do the work I do. You like easy jobs period. So remember, from the \$16,000 I pay, many older citizens will receive their s.s check ! Oh and I don't paper. I just want to contribute to the nation!.

My apologizes for my writing! My english is bad!

(-:

Like Reply Share

TommyBoy

1/27/2017 9:03 AM EST

You earn over \$90,000 a year? Good job!

Like Reply

Millennial_CPA

1/27/2017 9:13 PM EST

Actually, there isn't a direct way to figure out how much he makes a year based on the tax he pays alone. We don't know if he means just federal tax, or if he is including FICA taxes, State Taxes, Even Car and Property Taxes. Before we can consider what his wages are, we need to know what makes up that \$16,000, and what state he is in if it includes state taxes.

In addition, is he self-employed? He may pay self-employment tax.

It's really hard to guess how much someone makes based on how much tax they pay.

Think about it, Trump didn't pay any tax for a while and he's supposedly worth billions.

Like

Millennial_CPA

1/27/2017 9:14 PM EST

I should also mention, it is very possible for an illegal immigrant to make \$90,000 depending on what it is they do. Just varies.

Like

If you went to Australia and liked it would you feel entitled to stay? To receive social benefits from them and to demand the right to vote if you evade deportation for long enough. Sounds ridiculous doesn't it? How is this different?

3 · Like Reply Share

oldcove

1/26/2017 5:42 PM EST

Sure is a lot of venom in these comments. Did you read the article and do you understand the law? The Fourth Amendment of the Constitution says you cannot keep someone in jail past their allotted time. So work on changing the Constitution. There is NO law that requires local officials to hold people in jail and wait for ICE. Federal courts have found it to be voluntary. The US is still a land of laws whether or not you like them. We are not talking about violent criminals-that is a separate issue. Drain the swamp-you do realize that only 14.1% of Federal employees are in the DC area?

5 · Like Reply Share

JKel

1/26/2017 6:31 PM EST

Venom seems to be the way it's done now. Markedly, instead of getting on the phone and trying to bring the mayors of the sanctuary cities around, the president's first act was to go all in. Now he has no fallback and the chaos will just get worse.

2 · Like Reply

SandyInIndpls

1/26/2017 7:11 PM EST

First, the US Constitution is applicable to only US Citizens.

Second, these states can not control where these illegal aliens go/stay. Appears we can't control any part of their illegal visit with regard to taxpayers' funds.

All Federal Laws are applicable to all states and are subject to enforcement by the Feds. Do we exempt only illegal aliens because they are not legally citizens?

Some of the arguments in the above article seem non-sense to me: fear of Law Enforcement...these illegal aliens should be, they are breaking the law.

I have had personal experience with unemployed, undocumented workers, celebrating to intoxication their success of auto thief and how fast they can drive thru a sleepy, middle-class 'hood, then throw my neighbors cars clear thru my brick garage.

Illegal alien did not stick around to tell me which city broke the fed law allowing them in, yet not putting Velcro on their butts or verifying criminal history. So, I'm stuck with this mess at a

considerable cost to me, while what.....Thankful the Illegal Alien did not murder anyone in my household?

1 · Like Reply

Jerry Jones

1/26/2017 11:17 PM EST

Exactly. Drug dealers don't contact the police when someone steals their product...An Illegal alien is breaking the law, they are here ILLEGALLY, therefore, to call the police is to bring the law to their criminal activity. Why is this so difficult for liberals to understand. People have NO RIGHT to be in the USA unless they were born here or have proper immigration papers. NO RIGHT at all. They SHOULD be deported if they are found. Just a few weeks of enforcement would be enough to send millions scrambling back across the border on their own. Punish employers HARSHY for hiring illegals and place decades long prison penalties for using false documentation to acquire a job and they will go back on their own because they cannot earn a living. This is SIMPLE. The only people trying to complicate it have an agenda...to import millions of people to change the culture and entrance the democrats in control.

Like

B Atkinson

1/27/2017 9:31 AM EST [Edited]

I'm afraid illegals are granted Constitutional protections under the equal rights clause. The Feds should tie receipt of funds to agreements to detain any illegal apprehended for any crime. They tie everything else up in red tape, why not this? This is why illegals need to be deported.

Like

TheBeadyEye

1/26/2017 7:55 PM EST

The Fourth Amendment doesn't apply to illegal aliens.

3 · Like Reply

jimchongo

1/26/2017 5:16 PM EST

The graphic is wrong.

Harris Co. (Houston) and Travis Co. (Austin) have new Country Sheriffs that will not cooperate with ICE. County Tax payers should have to pay to do the work for Federal law enforcement.

2 · Like Reply Share

Tom Graham

1/26/2017 4:24 PM EST

California gets \$343,725,000,000 from the federal government each year. Almost \$100 billion more than any other state. "Per capita" they receive less than 35 of the other states. That's a whole lot of money that could be withheld if CA keeps refusing to enforce immigration laws. Maybe an executive order can be written to withhold a percentage of social security from residents in states that don't help with immigration? Obviously food stamps, medicaid and education funds can be withheld.

2 · Like Reply Share

JKel

1/26/2017 4:26 PM EST

Punish Texas, too?

Like Reply

Tom Graham

1/26/2017 4:27 PM EST

No on is immune

1 · Like

JKel

1/26/2017 4:33 PM EST

Fair enough.

Like

Ricardo Aschle

1/27/2017 9:00 AM EST

A LOT of ILLEGALS are receiving social security, EBY/Food Stamps and benefits they are NOT entitled to, because they know how to work the system. They are CRIMINALS anyway you look at it. From the moment they take their first step on American soil they are CRIMINALS

1 · Like Reply

RiverRat37

1/28/2017 1:48 PM EST

Tom Graham ~ Punish social security recipients? You must be daft! Those who collect social security paid for it up front in their paychecks. You must really hate illegals to take that position. It's un-American and not the way we citizens care for one another.

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