

Blog Post

Sanctuary Cities in the United States: Sinking or Swimming?

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By [Rachel L. Perez](#)

U.S. Immigration and Customs Enforcement (ICE) is one step closer to eliminating protections availed in so-called sanctuary cities. On May 6, 2019, the federal immigration authority launched a new program that encourages local law enforcement to arrest foreign nationals in cities that have chosen to be a safe haven for immigrants. This program, which debuted in Largo, Florida, comes on the heels of a controversial bill passed by the Florida legislature prohibiting sanctuary cities in the sunshine state. According to ICE Director, Mathew Albence, the agency's [latest initiative](#) was put forth to promote public safety and protect vulnerable populations from violence, drugs, and gang activity. While opponents of sanctuary cities point out crimes committed by illegal immigrants, sanctuary jurisdictions argue that enforcing federal immigration laws through state authorities will deteriorate cooperation between immigrant communities and local law enforcement.

A “sanctuary city” is broadly defined as a jurisdiction with policies in place to limit cooperation or involvement from state or local law enforcement in federal immigration enforcement actions. Cities, counties, and even some states have chosen to enact a range of informal policies and formal laws that qualify as “sanctuary” provisions.

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Sanctuary policies offer protections to individuals who have entered the United States without proper documentation, or those who entered the United States legally, but have overstayed their authorized validity period or violated the terms of admission to the United States. Most sanctuary policies center on local governments declining to help the federal government enforce immigration policy. Other forms of sanctuary policies can include refusing to provide information about immigration status to federal officials, precluding police stops solely to establish a person's immigration status, limiting the length of immigration detainers and providing social benefits, such as drivers' licenses. In certain localities, sanctuary policies can promote community policing goals by encouraging witnesses and crime victims to come forward.

In recent years, sanctuary policy has emerged as a tug-of-war power struggle between federal, state, and local authorities. At the same time, increased immigration enforcement has become a centerpiece of national security. ICE maintains that sanctuary policies inhibit their ability to enforce immigration laws, while anti-sanctuary governments have said that participation between local law enforcement and federal immigration officials facilitates the removal of criminals who are in the U.S. without authorization. In Florida, for example, local law enforcement and other state agencies are now required to comply with requests from ICE to detain individuals based on probable cause to believe that a person is a "removable alien" under federal immigration law.

Sanctuary policies do not provide protection for employers. Regardless of whether your worksite is located in a sanctuary city, county, or state, employers are required to comply with immigration laws for the recruitment and retention of a legally authorized workforce, including Form I-9, Employment Eligibility Verification requirements. Accordingly, employers should continue to follow

the advice of experienced immigration counsel to ensure compliance with workplace laws.

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