



# Pennsylvania Immigration and Citizenship Coalition

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## Anti-“Sanctuary” Policies are Bad for PA

Pennsylvania has been built on immigrant contributions. From the early arrival of Pennsylvania “Dutch” to Italians, Irish, African, and Chinese, to more recent waves of Latin American, South and Southeast Asian, Eastern European, Korean, Arab, and new African immigrants, most Pennsylvanian families were once immigrants, and newcomers continue to build the strength and prosperity of our state.

Ultimately, Congress must take action to pass just and humane immigration reform that keeps families together, promotes family unification, prevents exploitation of immigrant workers, and provides a clear pathway to citizenship. Until then, cities and states are faced with the challenge of keeping their communities safe, promoting economic well-being, and protecting the rights of all residents. Legislation that attacks and penalize cities and counties that are doing their best to achieve these goals is bad public policy.

Anti-“sanctuary” bills will not create one job or educate one child. Instead, they will open our municipalities to legal liability, enshrine intolerance and nativism in the law of our Commonwealth, and drive immigrant families away. Pennsylvania should pursue policies that make us more, not less, welcoming to newcomers.

**There is no jurisdiction in Pennsylvania where ICE is unable to find and detain a resident on the basis of their immigration status.** “Sanctuary” policies simply allow local law enforcement to focus on their job – keeping our communities safe – without the additional burden of acting as federal immigration enforcement. Currently, over 30 of Pennsylvania’s 67 counties have a policy not to honor ICE detainers, or optional requests to hold a person up to 48 hours after they would normally be released. In each of these localities, if ICE was able to produce a judicial warrant, local law enforcement would indeed hold that person for additional time.

**The U.S. government’s use of ICE holds undermines everyone’s basic rights.** Federal courts have repeatedly held that the detention of individuals based on ICE hold requests violates the Fourth Amendment. ICE holds are not signed by a judge and are not based on sufficient probable cause as required by the Constitution. In some cases, ICE has even issued requests for detention against people who are not deportable.

**Law enforcement leaders around the country have uniformly rejected similar policies on public safety grounds.** The Major Cities Chiefs Police Association has repeatedly affirmed that separating their role from ICE promotes community trust and communication with local law enforcement.<sup>1</sup> This position has been echoed by the White House Task Force on 21st Century Policing, whose report states that, “whenever possible, state and local law enforcement should not be involved in immigration enforcement.”<sup>2</sup> The Police Executive Research Forum also has found that attempts to mandate local immigration enforcement removes local discretion to set law enforcement priorities and jeopardizes

<sup>1</sup> See Testimony of Chief Thomas Manger, President of the Major Cities Chiefs Association, before the Senate Judiciary Committee, July 21, 2015, [www.judiciary.senate.gov/imo/media/doc/07-21-15%20Manger%20Testimony.pdf](http://www.judiciary.senate.gov/imo/media/doc/07-21-15%20Manger%20Testimony.pdf).

<sup>2</sup> *Final Report of the President’s Task Force on 21st Century Policing* (Office of Community Oriented Policing Services, May 18, 2015), [www.cops.usdoj.gov/pdf/taskforce/TaskForce\\_FinalReport.pdf](http://www.cops.usdoj.gov/pdf/taskforce/TaskForce_FinalReport.pdf), p. 18.

the relationship between police and their communities.<sup>3</sup>

**Local jurisdictions cannot be forced to help federal immigration enforcement officials carry out deportations.** The law is clear on this issue: localities can refuse to help ICE as it tries to deport local residents. To date, over 320 jurisdictions throughout the country have adopted policies limiting or ending responses to ICE holds. These jurisdictions have decided not to help ICE deport their residents based on what they believe is in the best interests of public safety in their community.

**We should be helping immigrant families, not hurting them.** When local police are involved in immigration enforcement, people are less likely to report crimes or become active members of their communities. Our immigration policy should not prevent people from reporting crimes out of fear that if they contact police they will be deported. Immigrant communities already have a fear of law enforcement because of corruption in many immigrants' countries of origin.<sup>4</sup> Using local law enforcement to help deport people only makes those fears worse.

**Sanctuary policies are in line with our values as a nation.** We want people to report crimes, we want children of undocumented immigrants to attend school, and we want families to get access to much needed social services without fear of their local police reporting them to federal immigration authorities. We want America's cities and towns to protect the basic rights and wellbeing of all families, regardless of their immigration status.

**Immigrants are an important part of local community revitalization.** The arrival of immigrants has spurred economic growth and helped revive cities and towns across Pennsylvania.

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<sup>3</sup> See *Local Police Perspectives on State Immigration Policies* (Police Executive Research Forum, July 2014), [www.policeforum.org/assets/docs/Free\\_Online\\_Documents/Immigration/local%20police%20perspectives%20on%20state%20immigration%20policies.pdf](http://www.policeforum.org/assets/docs/Free_Online_Documents/Immigration/local%20police%20perspectives%20on%20state%20immigration%20policies.pdf).

<sup>4</sup> A 2013 study by Lake Research Partners, as well as scholars from PolicyLink and the University of Illinois at Chicago, found that 45 percent of Latinos reported that fear of police investigating either their own immigration status or the status of people they know makes them less likely to voluntarily offer information about crimes. Even 28 percent of U.S.-born Latinos said that they are less likely to contact police even if they've been the victims of a crime because they fear police will look into the immigration status of people they know. Among undocumented immigrants, fully 70 percent report they are less likely to contact police.