AN ALLY'S GUIDE TO SANCTUARY

Winter 2018

PICC
Introduction

Since Donald Trump’s election, sanctuary cities have received increased media and political attention. But what does sanctuary mean? What does it mean to advocate for sanctuary policies? What makes a city a “sanctuary city”? Grappling with these questions is even more important in the face of ongoing attacks on immigrant and refugee communities. In just one year, this administration has stripped away work authorization and protection from deportation for over a million recipients of Deferred Action for Childhood Arrivals (DACA) and Temporary Protected Status (TPS), while simultaneously attacking the idea of family-based immigration and the diversity lottery.

This toolkit will help ally communities learn more about what it means to advocate for sanctuary policies and explore its historical meaning and current forms, along with providing helpful resources to implement or strengthen pro-immigrant policies in your community.

The toolkit will also explore the state of sanctuary in Pennsylvania. In general, Pennsylvania presents a mix of policies from a variety of pro-immigrant local policies to statewide attacks on immigrants and sanctuary cities. With each legislative cycle there is a new batch of anti-immigrant policies to counter. It is important to work towards more immigrant friendly policies at the state level so that the existing municipal policies can be unified under a pro-immigrant policy umbrella. This toolkit will provide ally communities with an overview of pro-immigrant policies and campaigns so that we can be empowered to elevate these issues with each election cycle.

First, we need to unpack the concept of sanctuary.

What is Sanctuary?

There are many ways to conceptualize sanctuary. People who advocate for sanctuary policies define them as ways to limit or prohibit cooperation and collaboration with federal immigration officials such as Immigration & Customs Enforcement (ICE). Sanctuary advocates believe places of sanctuary create safer communities because there is more trust between local law enforcement and immigrant communities. Though the term sanctuary does not have an official legal definition, those in support of sanctuary may seek to limit the ability of local police to communicate and collaborate with federal immigration officials. On the other hand, people who oppose sanctuary policies view them as being in conflict with federal immigration procedures and many argue that places of sanctuary harbor dangerous criminals, making cities less safe. Many, including some in the administration, want to see federal funding withheld from so called sanctuary cities. While sanctuary is usually used to refer to a city, different entities can promote sanctuary policies including schools and counties, as we will explore throughout this toolkit.

Before delving into ways to enact sanctuary, it is important to understand the historical weight of the term sanctuary.
History of Sanctuary
The sanctuary movement traces its origins to the 1980s when churches provided refuge and support to Salvadoran refugees fleeing violence and civil war in Central America. The U.S. government was not sympathetic to those fleeing violence and chose to deport them rather than offer asylum protections. In response, churches and other religious institutions physically hid people in their buildings to shelter them from removal.¹,²

In 1989, the first official sanctuary policy was enacted in San Francisco which prohibited city resources from cooperating with federal immigration officials. The policy also stopped local officials from gathering information about the immigration status of people living in the city unless required by law.³

Due to the increased deportations under Obama, and increased threats to immigrant communities under Trump, many faith communities are reviving the use of sanctuary. Currently, there are 800 churches across the country offering sanctuary to undocumented people.⁴ In Philadelphia, Javier Garcia lived in a church basement for 11 months while fighting his deportation. He recently won and was granted a U visa since he assisted police after being the victim of a crime.⁵ Jeanette Vizguerra found refuge in a Denver church for 86 day while waiting on a decision about her application for a stay of deportation. Her application was approved and she was reunited with her children.⁶ Additionally, one of the founders of the sanctuary movement in the United States, the Southside Presbyterian Church in Tucson, AZ provided sanctuary to undocumented people fearful of the Obama-era deportation machine.⁷ Most recently, the church has committed itself to moving beyond physical sanctuary to provide social services in light of the anti-immigrant rhetoric coming from the Trump administration.

As the history of sanctuary is grounded in the physical protection of immigrant communities, current iterations of sanctuary policies are not fully sanctuary as they do not physically protect people from ICE actions such as deportation; instead most sanctuary policies today limit or restrict cooperation and communication with ICE officials.

Why Sanctuary?
The Center for American Progress published a study in early 2017 examining the impact of sanctuary policies on the safety and economic growth of various counties across the country.⁸ The report found that sanctuary counties boast lower crime and higher income levels than non-sanctuary counties.

Sanctuary policies have clear positive effects on communities, but more importantly sanctuary policies uphold the human rights and dignity of immigrant communities across the United States. Places of sanctuary affirm the right of immigrant communities to belong and work to keep families together.

As we will explore throughout this document, ICE agents often act with impunity, frequently violating people’s rights as well as their own regulatory policies meant to reign in the scope of their reach. This makes the work of allies even more urgent as undocumented people often risk their safety by calling attention to ICE abuses. Allies can help to document ICE misconduct and make violations known so that there is some accountability of the agency.
Creating Sanctuary

There are many ways to enact sanctuary in your community. Below are some ways to conceptualize and implement sanctuary as well as some suggestions for alternative ways to welcome and stand with immigrant communities.

Think About Policing

As sanctuary and the ways in which communities interact with police are intertwined, some sanctuary policies focus on enacting positive policing strategies including community policing, working to end racial profiling, or instituting implicit bias training for local police forces.

In order to support sanctuary, cities and counties should limit the ways in which local law enforcement share information with ICE unless federally mandated. Currently, there are several ways in which data is shared between local police and federal immigration officials.

One of the main ways local police and ICE exchange information is through Secure Communities. Under ICE’s Secure Communities policy, once undocumented people are arrested their fingerprints are sent to the FBI which are shared with ICE. If ICE determines that they are deportable they can issue a detainer request which asks the local jurisdiction to hold them after their sentence is finished so that ICE officials can take them into custody. Secure Communities encourages racial profiling of Black and Brown communities, and many believe it violates 4th amendment rights. Sanctuary cities and counties can push back against Secure Communities by not cooperating with ICE detainer requests as they are not legally binding like a judicial warrant.

Within Pennsylvania there are about 32 counties that do not honor ICE detainer requests. Two counties, Berks and Northampton, have written policies which honor ICE detainer requests. For more information about your county please see https://www2.law.temple.edu/csj/files/a-changing-landscape.pdf

Additionally, locales should restrict the power of local police such that they cannot inquire about the immigration status of people with whom they come into contact. Law enforcement should not maintain records or documents with information about anyone’s immigration status unless federally mandated. While cities and municipalities do not have any legal obligation to assist with the enforcement of federal immigration laws, sanctuary cities cannot prohibit ICE from making arrests within their borders.

Another program to be aware of is ICE’s Criminal Alien Program. Through this policy, ICE agents are granted access to local jails in order to screen prisoners’ immigration status, and begin removal proceedings if warranted. Places of sanctuary should restrict their local jails from entering into the Criminal Alien Program.

Currently, ICE policy outlines a list of locations, called Sensitive Locations, where officers do not typically conduct arrests unless there are exigent circumstances.

The locations include:

1. Schools including school bus stops during pick-up and drop-off times
2. Medical or healthcare facilities  
3. Places of worship such as churches  
4. Religious or civil ceremonies such as weddings  
5. Public demonstrations

As of the crafting of this toolkit, ICE has not changed the Sensitive Locations policy, although there have been several instances of ICE violating its own policy. It is important to monitor its status especially under the current administration. Information about sensitive locations can be incorporated into Know Your Rights trainings, and allies should feel empowered to speak out if these policies are being violated by ICE. If you feel comfortable, you may report violations of the Sensitive Locations policy to the media, or you may contact ICE directly by calling (888) 351-4024 or via email at ERO.INFO@ice.dhs.gov, or reach out to ICE’s Office of Diversity and Civil Rights - Civil Liberties Division by phone at (202) 732-0092 or via email at ICE.Civil.Liberties@ice.dhs.gov.16

Think About Detention

Immigrants, especially Black immigrants, face discrimination, criminalization, and increased policing in their communities. Too often, encounters with law enforcement result in detention. Immigrants awaiting deportation hearings are held in detention centers across the country. Some people are held in federal immigration centers, but many others are held in local jails or private prisons. ICE contracts with several private companies and counties across the U.S. and in Pennsylvania to ensure they have enough beds to hold people in their custody.17 Private corporations and their stockholders benefit enormously through more punitive immigration practices as more people are held in detention.18 Similarly, local counties benefit through financial contracts with ICE to keep families and individuals locked up. Several laws enacted during the mid-1990s increased criminalization of immigrants and made detention compulsory for certain infractions and mandated a detention quota which requires ICE to maintain 34,000 beds each year.19 Sanctuary counties should not enter into contracts with ICE and advocates should ensure their local facilities do not agree to ICE contracts.

In Pennsylvania, there are four immigration detention facilities: York County Prison, Pike County Correctional Facility, Clinton County Correctional Facility, and Berks Family Residential Center. As of April 2017, ICE contracts with Erie, Cambria, and Delaware county jails.20 One example of local groups fighting against immigrant detention in PA is the Campaign to Shut Down Berks. For more information visit http://paimmigrant.org/campaign-to-shut-down-berks/

Think About Supports & Services

Cities and locales that value sanctuary should create or work to maintain robust social services and legal supports for immigrant communities. These may include language access policies, non-discrimination policies, and municipal immigration legal funds.

One important way to ensure immigrant communities feel supported, protected, and welcomed in a community is to ensure access to high-quality language assistance and interpretation. As per Title VI of the 1964 Civil Rights Act, any entity such as a doctor's office
that receives federal funds must provide access to interpretation services; however, many offices violate this policy.\(^{21}\) Cities or municipalities that claim sanctuary must enforce these language access policies, and ensure that language access is available throughout the community. Ensuring quality language access is important for immigrant communities who may not be comfortable communicating in English so that they may advocate for themselves in different situations. A parent will be unable to speak with her son’s teacher, and a patient won’t be able to communicate her symptoms accurately or understand how to take a prescription without in-person or telephonic interpretation. Interpretation services should be delivered by someone with a certification, under no circumstances should a child be asked to translate or interpret for parents, and someone who is just learning a language should not stand in for an interpreter.

Another important tactic for supporting immigrant communities is through legal funds. In the wake of the 2016 election and the wave of destructive and racist anti-immigrant legislation, several municipalities set aside funding to support legal defense funds for immigrants facing court hearings and removal proceedings.\(^{22}\) For example, the Vera Institute of Justice created the SAFE Cities Network, a list of municipalities around the country dedicated to ensuring immigrants facing deportation have access to legal representation.\(^ {23}\)

**Think about Schools**

In the months following Trump’s election, school districts across the country declared their grounds a sanctuary for undocumented students. The reality is that schools already legally offer various forms of supports and protections to students.

Since the 1982 Supreme Court decision, *Plyler v. Doe*, all children regardless of immigration status have the right to attend public schools in the United States.\(^ {24}\) Despite the declared protections through the Supreme Court and ICE’s Sensitive Location policy, many undocumented families still feel nervous about sending their children to school. Schools can do more to ensure that immigrant communities feel welcomed and valued in their hallways and classrooms. Here are some suggestions to get started:

- The school administration can post flyers in multiple languages in the hallways with messages of love and welcome to students of various backgrounds and their families. Schools should also communicate regularly with families and ensure that any communications--written, in person, or by phone--are conducted in the family’s preferred language. School officials should also ensure that students know that no one in the school is obligated to enforce immigration laws.\(^ {25}\)

- Schools may want to adopt resolutions or policies which reinforce the law as outlined in the Family Educational and Privacy Act (FERPA) which protects students’ records and maintains that schools do not have to share any information about students with federal immigration authorities without the consent of parents or in the absence of a warrant or other official compelling document.\(^ {26,27}\)

- School districts should maintain strong communications with families regarding district policies about immigration issues.\(^ {28}\) Schools may want to circulate letters outlining the school’s policies regarding ICE. Additionally, we encourage schools to officially adopt a
sanctuary policy, or other welcoming policy, and circulate information about the details and limitations of the policy so that parents and students are fully informed. It is important for school staff and administrators to be properly trained and briefed on their own sanctuary policies and rules so that they are able to uphold the policies in their day to day work and interactions with students.

For an overview of how schools can protect immigrant students and their families as well as sample school board resolutions please see PICC’s Welcoming Schools Toolkit: http://paimmigrant.org/wp-content/uploads/2017/05/Welcoming-School-Toolkit.pdf

Sanctuary is not just important to implement and uphold at the grade school and high school levels, many colleges and universities across the country are standing with their immigrant students against harsh federal policies. The FERPA rules apply to all colleges receiving federal funding so students’ records are largely protected. Campus officials including RA staff and campus police should be knowledgeable about the school’s stance on sanctuary, including protocol surrounding ICE intrusions. Schools can require that ICE obtains a warrant signed by a judge to enter private spaces on campus such as dorm rooms, but ICE agents may be able to walk onto public spaces on campus.

Individual schools and larger school districts should be careful not to over-promise protections to students and their families. Schools should craft clear policies and make it obvious to their communities what policies exist and how students and their families will be protected and under what circumstances.

Think about Cities & Counties

Sanctuary cities prioritize the protection of immigrant communities. Sanctuary cities should begin with an interrogation of their own policing strategies to ensure the police do not single out and abuse immigrant communities and ensure they do not communicate with federal immigration officials.

Implementing sanctuary policies at the county-level is important because many decisions about policing are made by county officials. Local police should not follow through on ICE detainer requests and should not criminalize their immigrant communities.

Another important policy to be aware of is 287(g). Section 287(g) of the Immigration and Nationality Act confers federal immigration enforcement authority to local law enforcement officers. Local law enforcement officers are empowered through 287(g) to run immigration screenings to determine if a person is undocumented, and to issue detainers. Currently there are 60 jurisdictions across the country that participate in 287(g). Most recently, Bensalem Township just outside of Philadelphia, requested to join the 287(g) program. It is important for advocates to fight back against the expansion of the 287(g) program.

There are currently several counties across Pennsylvania that embody some form of sanctuary. To learn more visit: https://www2.law.temple.edu/csj/files/a-changing-landscape.pdf

Together, cities and counties can implement pro-immigrant policies and practices at the local level. Local jurisdictions have the power not to honor ICE detainer requests and can prohibit their police forces from inquiring as to anyone’s legal status during any interactions. Local
policies can also limit data collection regarding immigrant information and sharing with ICE unless federally mandated by law. Counties are especially well positioned to say no to forming partnerships with ICE by not leasing their beds to ICE.

**Think about the State**

California recently became one of the first sanctuary states. The law, which came into effect in January 2018, restricts the cooperation of California authorities with federal immigration enforcement requests.\(^{37, 38}\)

State-level advocacy is important to ensuring there is consistency across the state regarding how undocumented people are protected. State law-makers can help to unify progressive county and city-wide policies sprinkled throughout the state. In Pennsylvania, local policies are often more immigrant-friendly than state-level laws. As we have seen counties and municipalities wield a lot of power in terms of limiting cooperation with ICE, but having a state-wide policy would help to connect the local policies into a more meaningful affirmation of immigrant communities.

**Alternatives to Sanctuary**

As the term sanctuary has a history grounded in the physical protection of immigrant bodies from deportation, it is important to be mindful when using the term *sanctuary* to frame your policy or campaign. It is often the case that sanctuary policies do not actually offer physical protections from deportation. With this in mind, it is important to respect the gravity behind the term *sanctuary*. While your campaign or goal may be in the spirit of sanctuary as it supports immigrant communities, it may not be appropriate to claim the term sanctuary. Just because your resolution or policy is not labeled as “sanctuary”, does not mean that it does not offer legitimate supports to immigrant communities. Perhaps other phrasing may be beneficial when thinking about your campaign or goals. We’ve selected some examples below that may be helpful.

- **Community Defense Zone**
  Mijente created a template for starting a Community Defense Zone called the Community Resistance Zone. The guide is meant to be paired with a Know Your Rights session. Juntos is implementing a Community Defense Zone in South Philadelphia.\(^{39, 40}\) To learn more, visit: [https://mijente.net/2017/02/10/community-defense-zone-guide/](https://mijente.net/2017/02/10/community-defense-zone-guide/)

- **Freedom City**
  Freedom City is a broad concept that promotes the inclusion and protection of various oppressed communities such as immigrants, Black people, and Muslims. For more information: [http://www.enlaceintl.org/single-post/2017/02/27/What-is-a-Freedom-City](http://www.enlaceintl.org/single-post/2017/02/27/What-is-a-Freedom-City)

- **Welcoming Community**
  The organization Welcome America ([www.welcomingamerica.org](http://www.welcomingamerica.org)) has some great resources for creating a Welcoming Community. They have a certification process for
Attacks on Sanctuary

As the Trump administration targets sanctuary cities, they use the narrative that sanctuary policies put U.S. citizens in harm's way. The President and Attorney General constantly share stories of citizens who were killed by immigrants,\(^4\) and paint sanctuary cities as harboring dangerous criminals. In fact, studies show that immigrants commit fewer crimes than U.S. citizens,\(^4\) and sanctuary cities report fewer crimes than cities lacking sanctuary policies.\(^4,4\)

Many proponents of sanctuary cities argue that sanctuary policies promote trust within the community, and without such policies, many in immigrant communities would be inhibited from reporting crimes for fear of getting involved with the police.\(^4\)

The administration has backed up this rhetoric with policy. One of the first Executive Orders signed by the president targeted sanctuary cities by threatening to remove federal funding from locales that do not coordinate with ICE.\(^4\) More recently, the administration has threatened to arrest the mayors of cities that do have policies limiting cooperation with ICE. Fortunately, the administration’s threats against sanctuary cities have been met with a wave of lawsuits. Several courts struck down the administration’s ability to withhold funding from cities that promote sanctuary policies.\(^4,4\) It is important for advocates and ally communities to continuously push back against these attacks and the administration’s harmful narrative about sanctuary policies, and educate others about the importance of implementing and enforcing pro-immigrant policies.

Sanctuary in Pennsylvania

While sanctuary policies have been in the national spotlight, it is important to recognize that sanctuary starts at home. It is important to be critical of policies within your own cities, municipalities, and across the Commonwealth of Pennsylvania. In each legislative session since 2011, a variety of anti-immigrant bills have been introduced in the Pennsylvania legislature, including bills targeting sanctuary municipalities.

**Senate Bill 10:** Senate Bill 10 (SB10) was introduced into the PA legislature in early 2017. The bill would withhold state funding to cities that limit collaboration, so called sanctuary cities, with federal immigration authorities.\(^4\) Be sure to follow this law through the PA legislature and to reach out to your representatives to express your desire to see SB10 defeated. For more resources and information about anti-immigrant legislation visit [http://paimmigrant.org/toolbox/stop-the-hate-2017/](http://paimmigrant.org/toolbox/stop-the-hate-2017/)

Putting It Into Practice

As an ally, it is important to first get acquainted with immigrant-led organizations and the communities that exist in your area before embarking on your sanctuary advocacy. Take time to...
listen to the concerns, priorities, and asks of the community and open up a dialogue about how to move forward to best support their work and elevate their voices. While creating and enforcing sanctuary is important, it might not be the most meaningful to immigrant communities in your area so take time to consider whether or not sanctuary should be your priority.

**Framing & Messaging**

When discussing sanctuary policies and immigration in general it is important to be aware of certain messaging pitfalls. For example, the narrative around immigration often focuses on the economic benefit of welcoming immigrants. This is an important point, but when overused, limits our understanding of immigrants as whole people, not just economic outputs.

PICC developed a #StopTheHate Toolkit which highlights some suggested messaging and common messaging mistakes. Here are some highlights:

**Messaging Frameworks to Use:**

- Will you support policies that uphold Pennsylvanian values of being diverse and inclusive of immigrants and refugees OR Will you follow Trump and support policies based on hatred and bigotry?

- Anti-“sanctuary” bills are contrary to constitutional principles and rule of law. Most of the policies targeted by anti-“sanctuary” bills simply require local law enforcement to respect constitutional requirements when detaining people. Forcing local law enforcement to act as an extension of ICE and hold people regardless of constitutional requirements is contrary to these principles. Municipalities should be able to make independent judgments about how to keep residents safe instead of being mandated by the state to engage in potentially unconstitutional behavior.

- Anti-immigrant bills will be expensive to implement, and will likely open the state and individual municipalities to expensive law suits. In a time of budget shortfalls, the state legislature should be focused on issues like access to healthcare, fair wages, and education funding that are important to Pennsylvanians, not creating expensive solutions to non-existent problems.

- We want a state that welcomes and protects immigrants and refugees. We want policies that ensure local law enforcement does not ask about immigration status or act in any way as federal immigration (ICE) officers. These policies make our communities safer by allowing local law enforcement to build relationships with community and focus on community safety.

- School policies that welcome and protect students and parents regardless of immigration status, religion, race, sexual orientation, or disability. Quality education depends on students feeling safe at their schools. An end to stop and frisk, racial profiling, and other police practices that target and criminalize immigrants and communities of color.
Messaging Pitfalls to Avoid:

- Conversations about immigrants tend to focus on the dichotomy of the good and bad immigrants which indicates that there are some who are deserving and undeserving. These conversations merely serve to perpetuate dangerous stereotypes of immigrants as dangerous criminals.
- Claiming that the United States is a country of immigrants or claiming we are all immigrants is problematic as it erases the history of colonialism and violent oppression of Native communities. Additionally, Black slaves--not immigrants--built this country.

For more messaging tips please see:

Policy Enforcement and Implementation

While enacting policies, protections, and supports for immigrant communities is important, it is crucial to ensure these policies are being enforced and are actually meaningful supports for communities. Establishing a policy is an important first step, but these policies must be acted upon, properly resourced, and evaluated. As an advocate it is important to regularly check-in to ensure policies are being followed. If you find that policies are being breached, it is important to call attention to the issue and work on solutions to reinstate the policy.

Other Pro-Immigrant Campaigns to Consider

Driver’s Licenses

IDs are important for people to be able to access a variety of services in society, and the ability to legally drive a car can be crucial for employment. If an undocumented person drives to work without a license he may be opening himself up to dangerous interactions with law enforcement which may lead to detention and deportation. Municipalities can also implement municipal-level ID cards, which again provide immigrants, along with many other marginalized communities, access to a valid ID that can be used for banking purposes and other services.

Tuition Equity

For many, education is a way to improve their circumstances and gain upward mobility. Many undocumented immigrants are not able to access financial aid or in-state tuition; instead they pay out of state tuition or fees similar to international students. The high cost of higher education without the opportunity of aid means college is out of reach for many undocumented youth. Several states currently offer undocumented youth tuition equity, and PICC continues to work to advocate for tuition equity legislation in Pennsylvania. To learn more please visit http://paimmigrant.org/toolbox/tuition-equity-toolkit-2017/
Resources for Further Learning

This toolkit was created with inspiration taken from other immigrant justice organizations. We would like to highlight their work below so that you can continue to explore other sanctuary models and find resources for supporting immigrants in your community.

DEMOS: Sanctuary, Safety and Community: Tools for Welcoming and Protecting Immigrants Through Local Democracy

Harvard Law: Sanctuary Campus FAQs

Immigrant Legal Resource Center: FAQ on 8 USC Section 1373 and Federal Funding Threats to “Sanctuary Cities”
https://www.ilrc.org/sites/default/files/resources/8_usc_1373_and_federal_funding_threats_to_sanctuary_cities.pdf

Immigrant Legal Resource Center: Ending Local Collaboration with ICE: A Toolkit for Immigrant Advocates

Immigrant Legal Resource Center: Local Options for Protecting Immigrants
https://www.ilrc.org/sites/default/files/resources/local_options-20170208.pdf

Indivisible: How You Can Be an Immigrant Ally Locally
https://www.indivisibleguide.com/resource/can-immigrant-ally-locally/

Mijente, Transgender Law Center, and Black Youth Project 100: What Makes a Sanctuary City Now?

National Immigrant Law Center: Immigrant and Refugee Children: A Guide for Educators and School Support Staff

National Immigration Law Center: Untangling the Immigration Enforcement Web

Penn State Law: Center for Immigrants’ Rights Clinic & Project South: Imprisoned Justice

Pennsylvania Immigration & Citizenship Coalition: Welcoming Schools Toolkit

Unitarian Universalists: Sanctuary Toolkit

Endnotes


18. Ibid., 14.


20. Ibid., 14.


27. Ibid., 25.

28. Ibid.


30. Ibid., 29.


34. Ibid.


