

# Seeking Sanctuary



# What's a sanctuary city?

In April of 2018, federal agents from Immigration Control and Enforcement (ICE) arrested 225 undocumented immigrants in one week in the state of New York. 163 of these arrests were made in New York City, a "sanctuary city."

**What protections does a sanctuary city actually offer undocumented immigrants?** What are the limits to these protections? How do these policies impact immigrants, their families, and their communities?

In the spring of 2018, CUP collaborated with Teaching Artist Diamond James and public high school students from Bushwick Leaders' High School for Academic Excellence to investigate these questions. Students got out of the classroom to survey their community, interview key stakeholders working on the issue, and create their own visions for sanctuary cities. This booklet is a guide to what students learned about sanctuary cities.

It can mean different things in different cities and counties. In general, the term refers to policies that instruct local police to limit their cooperation with federal immigration authorities.

**"Laws that were enacted by the New York City Council and signed by the Mayor, restrict cooperation [by city authorities such as the NYPD] with ICE to very limited circumstances when it relates to public safety."**

— *Sonia Lin, General Counsel for the Mayor's Office of Immigrant Affairs (MOIA)*

People often disagree over the meaning of the term, "sanctuary city."

IT MEANS  
LAWLESSNESS!  
IT MEANS CHAOS!

IT MEANS A  
SAFE HAVEN  
FOR EVERYONE,  
REGARDLESS OF  
CITIZENSHIP  
STATUS!

**"New York City is a city of immigrants."**

...

"40% of the population here in New York was born outside of the country. That's 3 million people. If you include immigrants and their children, that's about 60% of the population."

...

"Immigrants make up 47% of our workforce in the city. More than half of the small businesses in the city are owned by immigrants. They contribute over \$190 billion of the city's GDP."

— *Sonia Lin*



# When the NYPD arrests someone,

they send that person's information and fingerprints to the FBI. The FBI sends that information to ICE.

If this information matches someone ICE suspects is undocumented, it may send a **DETAINDER REQUEST** to the police or the Department of Corrections (DOC). The detainer request asks — but can't order — the NYPD or the DOC to hold that person for an extra 48 hours after the arrestee would normally be released so that ICE can pick them up.

NYC's **DETAINDER LAW** prohibits the police from honoring ICE's detainer requests unless the arrestee is considered a threat to public safety.

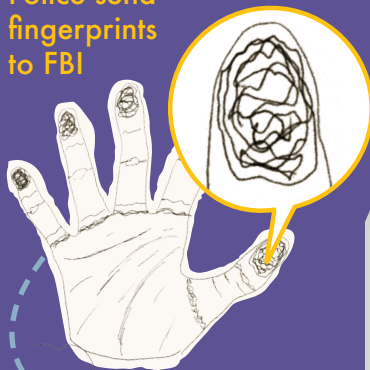
## What is ICE?

Immigration and Customs Enforcement (ICE) is one of the federal government agencies responsible for deporting people in the U.S. ICE is part of the U.S. Department of Homeland Security.

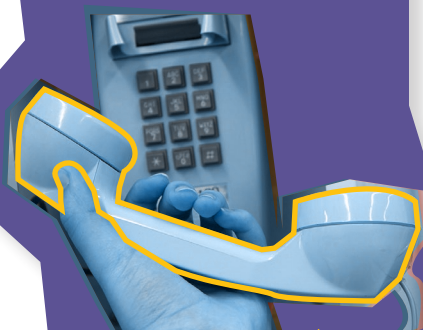
Police make arrest



Police send fingerprints to FBI



FBI sends information to ICE



**"There's a carve out in the detainer law that allows people to be transferred from city to immigration custody if they have certain types of convictions within the past five years."**

— Rosa Cohen-Cruz

## What's the DETAINDER LAW?

"NYC is one of the only places that has a detainer law, and it has only been around since 2014. Before the detainer law existed if you got arrested and you were deportable, either by your status or by previous convictions, no matter what happened in your criminal case even if it was eventually dismissed, you would still end up going into [ICE] custody..."

— Rosa Cohen-Cruz, Supervising Immigration Attorney at the Bronx Defenders



# What are the limits of sanctuary city policies?

## The federal government is in charge of immigration enforcement – not the City

“The main limitation is that immigration enforcement ... is not something we can control. It’s a jurisdiction of the federal government. So we can be really clear with our residents that the business of New York City is not to enforce deportation. Our police department is not the deportation force. We don’t ask when people are reporting crimes about their immigration status ... That’s a federal issue.”

– Sonia Lin

## ICE can detain people in court, even before a conviction

“ICE has gone to courthouses in NYC, that are actually run by a state entity, to arrest individuals who are going for their criminal proceedings and they’re in the midst of a case. That practice has increased significantly over the last year. [City agencies] don’t have the legal authority to regulate what happens.”

– Sonia Lin

## ICE can avoid obtaining a warrant

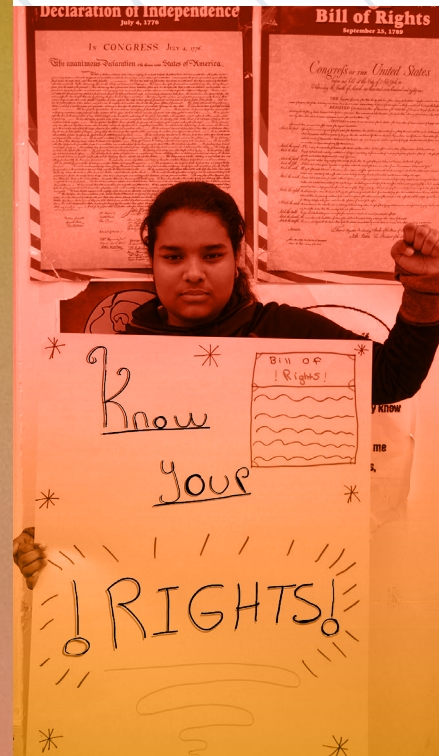
“The law includes what used to be a really strong warrant requirement where [ICE] had to present a warrant signed by an Article III judge in order for the jail to turn someone over to [ICE]. But because there’s a provision that allows the jail to notify immigration without a warrant of when the person is going to be released, [ICE] has been allowed to get around the warrant requirement.”

– Rosa Cohen-Cruz

## Sanctuary city policies don’t offer enough protection

“We believe that sanctuary city policies don’t go far enough. They don’t provide real sanctuary. Because in New York City you can still be deported if you have interactions with the police. If you jump a turnstile and you get arrested, your fingerprint will go to ICE and they’ll find you ... We have people who haven’t been convicted of anything and still get snatched up by ICE.”

– Albert Saint Jean, Organizer with the Black Alliance for Just Immigration (BAJI)

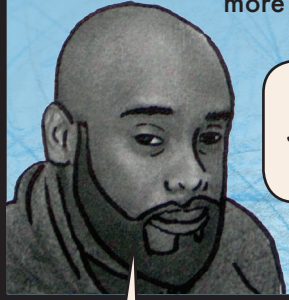


You have a legal right to refuse to admit ICE agents into your home unless they possess a warrant signed by a judge. To learn more, visit: [dontgetICED.org](http://dontgetICED.org).

# HOW DOES RACE PLAY A ROLE IN IMMIGRATION ENFORCEMENT?

WITH ALBERT SAINT JEAN

In New York City, Black and Latino people are stopped, arrested, and prosecuted at higher rates than white people. Interactions with police make immigrants of color more likely than white immigrants to get deported.



"[IMMIGRATION AND CRIMINAL JUSTICE] SYSTEMS ACKNOWLEDGE YOUR BLACKNESS."



"[FOR EXAMPLE] DOMINICANS HAVE THE HIGHEST DEPORTATION RATES IN NEW YORK CITY."



THEY'RE THE MOST DEPORTED OF ALL CARIBBEAN GROUPS, AND MAINLY FOR THE REASONS THAT ALL OTHER BLACK IMMIGRANTS GET DEPORTED . . .

THAT'S THE SO-CALLED CRIMINAL ACTS THAT ARE USUALLY LOW-LEVEL AND NON-VIOLENT, THAT BECAUSE OF PEOPLE'S ENCOUNTERS WITH POLICE THEY GET DEPORTED FOR BECAUSE THEY LIVE IN NEIGHBORHOODS THAT ARE OVER-POLICED."

"NOW THIS DOESN'T HAPPEN IN GREENPOINT, WHERE THERE'S A LARGE POLISH COMMUNITY. IT DOESN'T HAPPEN IN BRIGHTON BEACH WHERE THERE'S A LARGE RUSSIAN AND UKRAINIAN COMMUNITY."



"AND THAT'S NOT TO SAY THAT THERE AREN'T ACTS OF CRIME HAPPENING IN THESE COMMUNITIES."

"BUT THEY'RE NOT BEING POLICED IN THE SAME WAY THAT HAITIANS, DOMINICANS, JAMAICANS, AND WEST AFRICANS ARE IN NEW YORK CITY."



# Who decides if a city is a sanctuary city?

Elected officials like the Governor, the Mayor and the City Council make the policies and laws that govern the city.

**"Policies are made by the Mayor, by our partners in the City Council, by community leaders, by community members and by experts through the city government ... MOIA plays a role in advising the Mayor in policies and programs with respect to New York City immigrants and working with the City Council on important issues related to the city's immigrant population."**

— Sonia Lin



**Community groups, grass roots organizations, and individuals can lobby their elected representatives.**

**"We believe that the community should be informing [elected officials] on what to push for ... That's what we mean by grassroots and bottom-up ... Anything that makes elected officials beholden to the community is a catalyst and gives the community control and empowers the community."**

— Albert Saint Jean



# What changes would you make?

## End “broken windows” policing

“The whole premise [of “broken windows” policing] was that if we arrest people for little crimes, and if we police behavior in certain areas, crime will go down ... What that does in black communities is get black and brown folks interacting with the system at an early age ... And then that begins the cycles of incarceration and institutionalization.”

— Albert Saint Jean

## Create more affordable housing

“We’re all affected by the affordable housing crisis. There’s a 60,000 plus homeless population. The immigrant population is dealing with that more than anyone else ... We need to make sure that everyone gets housed, regardless of what population they’re from ... whether you’re documented or undocumented.”

— Boris Santos, Bushwick and Ridgewood Organizer for New York City Council Member Antonio Reynoso, District 34

## Give ALL city residents the right to vote in city elections

“We have to make sure that the undocumented [and] those who are residents but not citizens can vote in city elections. There are municipalities across the country that are doing that. Most of them are taxpayers and give to our economy. We need to make sure that they are also represented through the vote.”

— Boris Santos

## Pass the New York State DREAM Act

“The term ‘Dreamers’ refers to young people who came to the United States as children and have extensive ties to the United States, but are undocumented. The DREAM Act is a piece of legislation that would offer a path to citizenship for these people to regularize their status and to ensure them that they may remain in the United States and that they can thrive to their full potential and make contributions to our city and to our country.”

— Sonia Lin

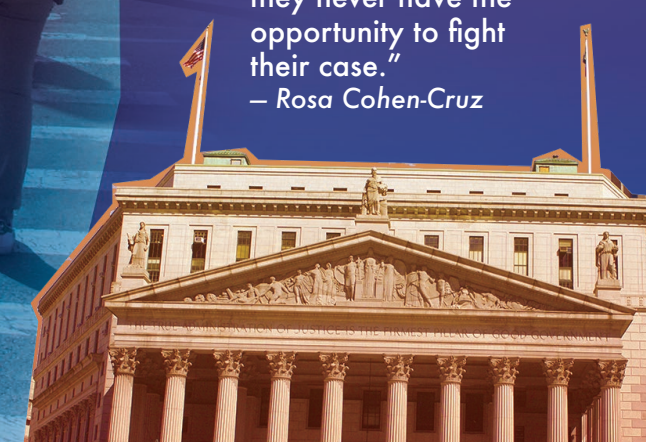
To learn more about the New York State DREAM Act, visit:  
[nysenate.gov/legislation/bills/2017/s471/amendment/a](https://nysenate.gov/legislation/bills/2017/s471/amendment/a)



## Stop ICE from making arrests in courthouses

“ICE should never be able to pick someone up in criminal court. It completely undermines our entire system of due process and access to justice. We know that people don’t get brought back to court when they get picked up, and so they never have the opportunity to fight their case.”

— Rosa Cohen-Cruz



# What students say



**"I think the term 'sanctuary city' means a place where people can feel safe and able to express themselves."**

— Kiara Montero Valdez

**"They set up their goals for a sanctuary city but they don't have a good impact on immigrants in order for them to feel safe."**

— Angelica Sanchez

**"Why are people being deported? Everyone is a human. We all have a brain and a heart. Why does it matter there is an undocumented immigrant?"**

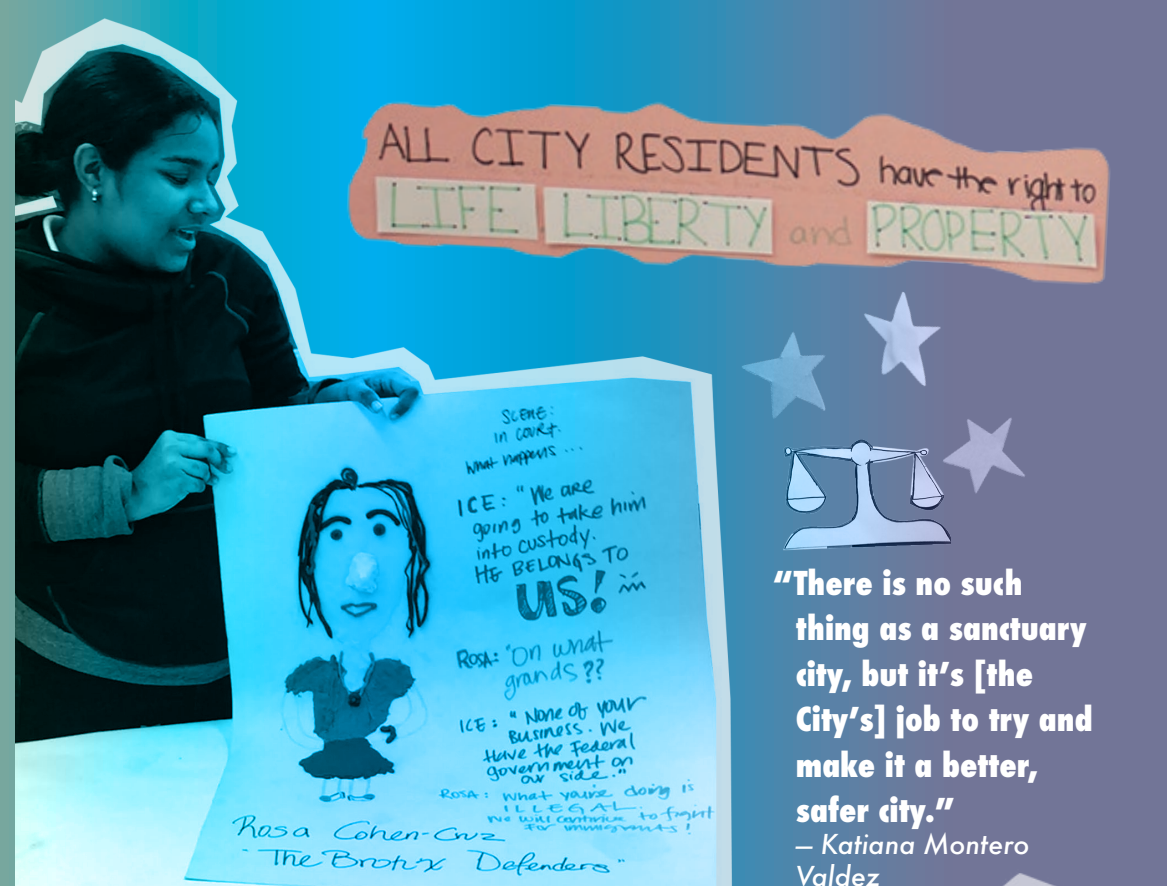
— Lisa Robles

City residents should not be prejudice against undocumented people.



**"What makes the United States is diversity. It's the people coming from different countries."**

— Kiara Montero Valdez

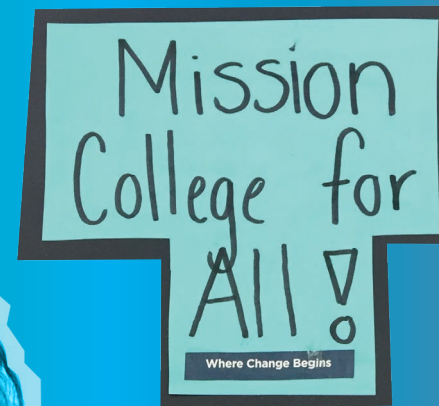


**"There is no such thing as a sanctuary city, but it's [the City's] job to try and make it a better, safer city."**

— Katiana Montero Valdez

**"A true sanctuary city is a place where we are all free to speak our own native tongue without being afraid of being oppressed."**

— Arleen Polanco





**The Center for Urban Pedagogy (CUP)** is a nonprofit organization that uses the power of design and art to increase meaningful civic engagement, particularly among historically underrepresented communities.

This project is one of CUP's **Urban Investigations** — project based afterschool programs in which high school students explore fundamental questions about how the city works. Students collaborate with CUP and Teaching Artists to create multimedia teaching tools that reach audiences in the fields of arts and social justice. To learn more about CUP, visit [welcometoCUP.org](http://welcometoCUP.org).

**Bushwick Leaders' High School for Academic Excellence** will prepare ninth through twelfth grade students from the Bushwick Community, regardless of prior academic performance, to become active leaders with an emphasis on academics, college preparation and technology. To learn more, visit [bushwickleaders.org](http://bushwickleaders.org).

#### **CUP**

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Project Lead: Fielding Hong  
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#### **Bushwick Leaders' High School**

Principal: Catherine Reilly  
Assistant Principal: Carolyn Gabriel-Green  
Dean: Avery Beauford  
Classroom Teacher: Martin Abrams  
Students: Kelly Faber, Katiana Montero Valdez, Kiara Montero Valdez, Arleen Polanco, Lisa Robles, Angelica Sanchez

**Thanks to our interviewees:** Rosa Cohen-Cruz, Sonia Lin, Albert Saint Jean, Boris Santos

**Special thanks to:** Clair Beltran, Julia Ehrman, Jeneuse Guela, Michaela Rahimi, Sada Spence, Jenn Anne Williams, Stephanie Yee



Major support for this program was provided by public funds from the New York City Department of Cultural Affairs in partnership with the City Council and Council Member Antonio Reynoso.

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