

SANCTUARY CITIES: POLITICS OVERSHADOW RESPONSIBLE U.S. IMMIGRATION POLICIES

An NPG Position Paper

EXECUTIVE SUMMARY

In recent years, America's radio stations, televisions, newspaper headlines, and magazine covers have been inundated with talk of "sanctuary cities." Experts on both sides of the argument have proclaimed their position – it's the "absolutely right" or "absolutely wrong" thing for America to do, depending on who you ask. However, a few critical pieces of information seem to be missing from this debate – information which is necessary if our nation is to make an informed decision on such an important policy.

First, there is no standard definition of "sanctuary" legislation. A wide variety of policies are often lumped together under the moniker, and there is widespread confusion about what the term actually means. Second, because there is no standard definition, it is difficult to categorize how many "sanctuary cities" actually exist in the U.S. – so it is nearly impossible to clearly demonstrate how pervasive this policy trend has become. Third, and what is perhaps the most important information of all – nowhere in any of the mass media and government debate of this issue have we seen detailed discussion of the impact of sanctuary policies on U.S. population size and growth, and the many consequences of that growth.

Americans hear much of the proposed ethical, humanitarian, and moral arguments for creating more sanctuary cities – but we hear little of how *these policies work to increase immigration, which will soon become the primary driver of U.S. population growth*. And we hear almost nothing of how that population growth is damaging our environment... straining our economy... overburdening our crumbling infrastructure... further crowding our schools, roads, and hospitals... adding to water and air pollution... increasing our consumption of dwindling natural resources... contributing to climate change... causing mass animal and plant extinction... running government budgets dry... worsening water shortages... and generally diminishing our quality of life.

Sadly, except for the work of NPG and other organizations who share our goals – the public is hearing nothing at all of the barren America our grandchildren are destined to inherit if we maintain *what has become our current national policy*: **Limitless Acquiescence**. If we set aside the political agendas and emotional propaganda surrounding the issue, we can focus on the specific actions being taken by cities, states, and even our federal government. When we look only at these actions – which have come in the form of memos, department directives, specific policies, broad legislation, or even executive orders – the trend is clear. **America has become a sanctuary nation, and present politics have overshadowed our responsibility to future generations.**

WHAT IS A SANCTUARY JURISDICTION?

The Center for Immigration Studies (CIS) defined a “sanctuary” as: any jurisdiction which has “adopted policies of non-compliance with some or all ICE detainers. These policies [can take] the form of policies, laws, executive orders, or regulations.” A detainer is “the primary tool used by [U.S. Immigration and Customs Enforcement (ICE)] to take custody of criminal aliens for deportation. It is a notice to another law enforcement agency that ICE intends to assume custody of an alien, and it includes information on the alien’s previous criminal history, immigration violations, and potential risk to public safety or security.”

But there is no official definition of a “sanctuary city.” In addition to refusing to comply with ICE detainers, Jessica Vaughan (Director of Policy Studies at CIS) noted: “One could also argue that any jurisdiction that provides drivers licenses, or welfare benefits, or public housing, or municipal ID cards is a sanctuary.”

For NPG’s purposes, we define a sanctuary jurisdiction as:

Any community (on the local, city, state, or even federal level) which has adopted policies, passed laws, issued executive orders, and/or implemented regulations which:

- *Shield illegal aliens from lawful prosecution for crimes they are charged with, including the refusal to detain and/or the release of unlawful immigrants without notification to appropriate federal authorities;*
- *Entitle unlawful immigrants to benefits which are not available to U.S. citizens or legal immigrants (i.e. programs such as in-state tuition rates or drivers’ licenses without proof of legal residence,*

and all other benefits and/or entitlement programs which have legal residency restrictions for all other groups);

- *Create an environment which enables immigrants to circumvent America’s existing legal immigration process; and/or*
- *Establish a ‘penalty-free zone,’ encouraging more immigrants to enter the U.S. illegally or to stay beyond their visa expiration.*

HOW MANY SANCTUARY JURISDICTIONS ARE THERE IN THE U.S.?

A July 2015 Rasmussen report found: “In addition to San Francisco, numerous major cities in the United States are now sanctuary cities including New York, Washington, D.C., Los Angeles, Miami, Denver, Chicago, Philadelphia, Houston, and Detroit.” As there is no official “registry” of sanctuary cities, arriving at a definitive number is difficult to calculate. However, according to CIS, as of early 2016 there were 300 state and local jurisdictions which met their definition of a “sanctuary.” If we include jurisdictions which provide benefits and services to unlawful immigrants, the number could be even higher.

By NPG’s definition, there are sanctuary jurisdictions across the U.S. In fact – under our nation’s present executive orders, policies, and mass immigration levels – one could argue that America itself has become a sanctuary jurisdiction.

ACQUIESCENCE OF UNLAWFUL IMMIGRATION – A GROWING TREND

The accommodation of unlawful immigration, surreptitiously dubbed “sanctuary” policies, has

been increasing across the U.S. for some time. In 2013, California was home to an estimated 2.45 million illegal aliens – which represented 6.6% of the state’s total population, and more than 20% of all unauthorized aliens in the U.S. Yet this state – and many others – continues to pass legislation to “shield illegal aliens from federal detection and deportation while giving them new rights and benefits... at a time when the state is suffering 8.9% unemployment, 21.9% higher than the national rate. Most controversial... is a measure barring local law enforcement agencies from detaining people for the federal Immigration and Customs Enforcement (ICE) if they are arrested only for a minor offense and otherwise eligible for release from custody.”

In recent years we have seen politician after politician change their tune on immigration. The Harry Reid of 1994 stated: “The federal government has been grossly irresponsible in its neglect of mounting immigration problems... Taxpayers simply cannot continue to sustain new populations the size of San Diego or the state of Nevada every year.” However, by 2013 Reid had changed his tune: “...we are all the better for having hardworking new immigrants as contributing members of our communities...” “Why did Harry change his mind? Politics. He is intimidated by the very force that led him to write that long-ago Op-Ed.” Yet he is far from alone in his shift to advocate ever-increasing legal immigration and amnesty/citizenship for illegal aliens. It’s a trend that is spreading across the country.

FEDERAL SANCTUARY POLICIES

In 2012, President Obama’s controversial Deferred Action for Childhood Arrivals (DACA) program offered legal status and work eligibility to millions of illegal aliens. In its inaugural year, the program accepted an average of over 4,700

applications every day – and out of 157,793 total requests received, only 5,372 were rejected. (That’s a 96.6% approval rating.) By 2013, nearly 444,000 requests were received – and only 16,000 were rejected (again, a 96% acceptance rate).

After approval, DACA recipients are free from any threat of deportation for a two-year period – and approved applicants can request renewals indefinitely. DACA recipients are also eligible for a U.S. Social Security Number (SSN), which can then be used to get a driver’s license or state ID card, apply for jobs, and seek financial aid for higher education. Essentially, once a SSN is received, DACA recipients can enjoy many of the same programs and benefits as legal immigrants and U.S. citizens.

Although controversial, the DACA program garnered more public support than many other sanctuary programs – as it was posed that these were innocent children, brought here through no choice of their own. At his Press Conference announcing the program in 2012, President Obama stated: “They are Americans in their heart, in their minds, in every single way but one: on paper. They were brought to this country by their parents – sometimes even as infants – and often have no idea that they’re undocumented until they apply for a job or a driver’s license, or a college scholarship. Put yourself in their shoes. Imagine you’ve done everything right your entire life... only to suddenly face the threat of deportation....”

However, in November 2014, President Obama attempted to expand the legalization through the Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) program. This executive order would have allowed adult immigrants – spouses, parents, and adult sons and daughters who knowingly arrived in the U.S. illegally or unlawfully overstayed a visa – to forego deportation, achieve legal status, and work in the U.S. Thankfully, a federal court order barred the White House from expanding DACA

or implementing the new DAPA program – and the controversial programs were taken all the way to the U.S. Supreme Court in the landmark immigration case *United States v. Texas*.

On June 23, 2016, the High Court split on DACA and DAPA in a 4-4 vote. The Fifth Circuit Court’s injunction remains in place and Obama is prohibited from issuing additional work permits to those who may receive protection under the programs, but the issue is likely not completely resolved. Together, President Obama’s DACA and DAPA programs would legalize the status of an estimated 9 million illegal aliens. The sheer volume of immigrants applying to the program has been overwhelming. As of December 31, 2015, U.S. Citizenship and Immigration Services (USCIS) had received 152,419 DACA program applications for the year – the vast majority of which (125,436 or 82.3%) were renewals of prior DACA approvals. Since DACA’s implementation in 2012, USCIS has received **1,017,977 applications** – and 787,068 of those (77.3%) were approved.

PUBLIC OPINION OF SANCTUARY POLICIES

It appears that millions of American citizens have become disenchanted with sanctuary jurisdictions. A July 2015 Rasmussen poll found that: “62% of likely U.S. voters think the U.S. Justice Department should take legal action against cities that provide sanctuary for illegal immigrants. ...Just 26% oppose Justice Department action against sanctuary cities. Twelve percent (12%) are undecided. Fifty-eight percent (58%) believe the federal government should cut off funds to cities that provide sanctuary for illegal immigrants.”

By providing legal status to millions of unlawful immigrants – allowing them to completely circumvent our legal immigration process – America is sending the message that our nation will allow anyone to settle here permanently, free

of any restrictions or registration, without any penalty whatsoever for breaking our laws. We are also sending the message to millions of legal immigrants – who have patiently waited, many for decades, to be granted a green card – that they are wasting their time, and would be better served to just come illegally. After all, our national policies are demonstrating that they would pay absolutely no price to do so.

The numbers in these national polls show that nearly two-thirds of American voters do not approve of sanctuary policies. Yet from the sheer number of sanctuary jurisdictions in our nation, it appears public opinion has been ignored. However, the negative impacts of these policies go far beyond political agendas – sanctuary policies have many more far-reaching consequences.

RESULTING POPULATION GROWTH

In the last 50 years, U.S. immigration policies have gone from reasonable and fair... to somewhat more accommodating... to downright acquiescent... to dangerously lax. With the passing of the Immigration Act of 1965, annual legal immigration levels were given huge boosts – contributing greatly to U.S. population growth. Since 1965, the U.S. has allowed regular increases to annual legal immigration levels in nearly all categories – including those that are limited by law, caps which are regularly ignored. Because of these increases, and because of policies encouraging massive family chain migration, by 2015 America’s foreign-born population reached 42.1 million or 13.3% of the total population – the highest ratio in over a century.

Atop the ever-rising legal immigration admissions each year, more and more we see an attitude of acquiescence when it comes to unlawful immigration – which is only acting to encourage more immigrants to arrive in the U.S. illegally, or unlawfully overstay their visas. In

fact, *The Washington Examiner* revealed that as far back as April 2014, the White House anticipated that the DACA and DAPA programs would result in a massive surge of Unaccompanied Alien Children (UACs) illegally crossing our nation's southern border. In a presentation for the U.S. Congress, Obama officials projected that UAC apprehensions would skyrocket – going from the 2007-2011 average of just 7,000 to 8,000 per year... to 60,000 in 2014... to a shocking **127,000 UACs** in 2015.

*As a result of these current policies and trends, the Census projects that **immigration** – not natural increase – **will become the principal driver of U.S. population growth** by as early as 2027.*

QUALITY OF LIFE ISSUES: CRIME AND NON-PUNISHMENT

One of the most significant consequences of sanctuary legislation – and also of overpopulation – is the rapid deterioration of the quality of life enjoyed by residents. As more people try to live in a limited area... try to share finite resources... compete for jobs and an education... require new housing and expanded infrastructure... it is not unreasonable to anticipate a declining standard of living as a result. One only must look at nations around the world whose populations have overgrown their carrying capacity. Perhaps the late Professor Al Bartlett said it best: “Can you think of any problem in any area of human endeavor on any scale, from microscopic to global, whose long-term solution is in any demonstrable way aided, assisted, or advanced by further increases in population – locally, nationally, or globally?”

One of the most concerning aspects of these “quality of life” discussions must include the element of crime. Without any consideration of race, religion, ethnicity, or nation of origin – can we not clearly see the faulty logic and downright danger of creating a “sanctuary” jurisdiction

which automatically releases criminals who are being charged with a crime without investigating their background in any way? Consider the following case studies.

In 2011, 66-year old Chicago resident Denny McCann was killed when drunk driver Saul Chavez – an illegal alien – struck McCann in the Logan Square neighborhood. Witnesses say Chavez tried to flee, running McCann over and dragging him 200 feet, and McCann tragically died that night of his injuries. Chavez was already a convicted drunk driver – in September of 2008, he was arrested for another DUI and at that time admitted to authorities that he was in the U.S. illegally. Yet authorities in Chicago – a sanctuary jurisdiction – never contacted ICE or transferred Chavez to their custody, which could have saved McCann's life. Now, McCann is gone and Chavez is on the run – he fled after posting bail in 2011.

In July 2015, 31 year-old Kate Steinle was murdered while walking on a busy pier in San Francisco, California. Her accused killer – who admitted to the crime on national television – is 45 year-old Juan Francisco Lopez-Sanchez, an illegal alien with multiple felony convictions and 5 prior deportations. “It would have been 6... except authorities in San Francisco wanted him on a drug-related warrant. So [ICE], which had Lopez-Sanchez in its custody in March after his release from federal prison, turned him over to San Francisco deputies. ICE said they requested an immigration detainer, asking that the agency be notified before Lopez-Sanchez was released. But San Francisco is a city that doesn't honor such requests and the sheriff's department released him.”

Some research on the subject will show these are not isolated cases. According to *Breitbart News*, between 2008 and 2014 criminal aliens (includes legal or illegal aliens) accounted for 38% of all murder convictions in the states of California, Texas, Arizona, Florida, and New York

– which represents 7,085 murders. And according to CIS: “From January 1, 2014, to August 31, 2014, local law enforcement agencies refused to comply with a total of 8,811 detainers, resulting in aliens being released from custody. ...As of June 2015, the total number of detainers rejected by local sanctuary jurisdictions reportedly had grown to more than 17,000.”

There is a simple law enforcement principle which has served and protected American communities for generations: when a suspect is processed as part of a criminal investigation, their background is checked for any outstanding warrants or other relevant information. Period. We collect fingerprints, we collect blood or DNA samples in certain cases, we collect Social Security numbers and identification – and we run all of those pieces through our central databases. To skip this vital step for anyone is a significant threat – it leaves the general population open to risks we could easily avoid by enforcing the law, and it is a dangerous message to send to would-be criminals.

CONCLUSION

In early August, 2016, the U.S. Census Bureau projected our nation’s population at over 324.1 million – growing by an average of 1 person every 11 seconds. That average also included the net gain of 1 international migrant every 29 seconds. Our population is growing rapidly – to the tune of more than 2.4 million people every year. (That’s nearly the size of the city of Chicago.) The consequences of that overpopulation are all around us – our schools and hospitals are overcrowded, many of our rivers and streams are so polluted they can’t be enjoyed for fishing or swimming, our infrastructure is straining under the burden of overuse, our young people face fierce competition for jobs, our water supplies (especially in the Western states) are rapidly disappearing, our economy is still lagging after the Great Recession, plant and animal species are now threatened or

extinct, and natural resources we once took for granted are scarcely available.

All of these problems – which Americans face every day – are a direct result or consequence of population growth. And in the U.S., our population growth is becoming more and more tied to our annual immigration rates. As soon as 2027, the Census anticipates immigration will become the number one source of our growth. Yet politics is turning toward full amnesty for illegal aliens and rising levels of legal annual admissions – which only serve to further population growth.

As a nation, we must consider the full implications of sanctuary legislation. Our quality of life is diminishing as we become more and more overpopulated. When that strain is worsened by an ever-increasing number of annual legal immigration admissions, and the accommodation of unlawful immigration – which has, in some cases, led to increased crime – only encourages more people to arrive or stay here illegally... we are contributing significantly to our own problems.

America’s embrace of sanctuary policies only serves to diminish our rule of law, environment, and threaten our future. We must insist on enforcement of existing laws – which includes the complete elimination of sanctuary policies, laws, executive orders, and regulations – and reduce the U.S. population to a much smaller, truly sustainable size. Changing our present immigration policies in this way is absolutely essential, if we are ever to preserve our natural resources and ensure an enjoyable – or even livable – quality of life for future generations.

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