

## MEMORANDUM

**TO:** Metropolitan Mayors Caucus, Diversity Task Force members  
**FROM:** Julián Lazalde, Latino Policy Forum (jlazalde@latinopolicyforum.org)  
**DATE:** March 7, 2017  
**RE:** President Trump's sanctuary cities executive order; local impact and recommendations

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### **Introduction**

On Wednesday, January 23<sup>rd</sup> President Trump released two immigration-focused executive orders meant to fulfill his campaign promises related to sanctuary cities and the southern border with Mexico. These executive orders, and subsequent implementation guidance for both executive orders released on February 20<sup>th</sup>, outline a response to the issue of undocumented immigrants residing in the country. I will outline key aspects of the executive orders and implementation guidance, ways in which the orders will likely affect immigrant families in your municipalities and recommendations on ways to diminish the potential negative impacts of the executive orders.

### **Key aspects of the sanctuary city and border security executive orders**

The “public safety” (i.e., sanctuary cities) and “border security” (i.e., border wall) executive orders share common language related to the following:

1. Local law enforcement agencies across the country are being formally empowered by the Trump Administration “to perform functions of an immigration officer” in the field; and
2. The Secretary of Homeland Security is instructed to begin negotiations with Governors to enter into 287(g) agreements, which provide training for selected state and local law enforcement officers to perform the functions of federal immigration agents in their jurisdictions.

The federal government is providing discretion and authority to local law enforcement agencies regarding enforcement of immigration matters. Thereby deputizing local law enforcement agents willing to take on the added responsibilities of performing ‘functions of an immigration officer’ with no explicit language regarding how such work will be reimbursed to local law enforcement agencies.

### **“Enhancing Public Safety in the Interior of the United States” (i.e., sanctuary cities executive order/guidance)**

Sanctuary city (i.e., jurisdictions that adopt policies to shield undocumented immigrants from federal immigration law enforcement; many with exceptions if an individual has an outstanding criminal warrant) ordinances became a key issue in the presidential campaign. This executive order fulfilled President Trump's campaign promise to ‘get tough’ on undocumented immigrants and the municipalities that refuse to use their local resources to enforce national immigration laws. The following are key provisions of this executive order:

1. Broad expansion of who is considered a priority for removal to include undocumented immigrants who have been charged but not convicted of a crime, suspected but not charged of a crime, anyone who has used a false Social Security number or used someone else's number to obtain a job, and *anyone* deemed a security threat at the discretion of an immigration officer. (*Section 5, a – g*)
2. The Secretary of Homeland Security has discretion to deem a jurisdiction as a sanctuary jurisdiction – empowering the Attorney General to “take appropriate enforcement action against” any such jurisdiction – and in conjunction with the Attorney General, may strip federal grants from such jurisdictions. (*Section 9a*)

3. The Priority Enforcement Program (PEP) is terminated and the Secure Communities Program (S-Comm) will be reinstated. (*Section 10a; also see attached S-Comm fact sheet*) The Secure Communities Program ran from 2008 to 2014. Under this program, participating jails submit arrestees' fingerprints not only to criminal databases, but to immigration databases as well, allowing ICE access to information on individuals held in jails.

### **"Border Security and Immigration Enforcement Improvements" executive order/guidance**

The President ran on a few key issues, one of which was also the construction of a wall on the southern border with Mexico. The following are key provisions of this executive order:

1. The Secretary of DHS is authorized to "establish contracts to construct, operate or control" immigrant detention centers on the southwestern border. (*Section 5a*)
2. Asylum referrals will become more stringent, under the guise of ending "abuse of parole and asylum provisions". This will likely make it much more difficult for potential asylum seekers to have their petitions approved.. (*Section 11, a – e*)
3. Expedited removals of undocumented immigrants will be expanded to include those who have not been in the United States for at least two years immediately prior to being detained; expedited removals had been only for undocumented immigrants within 100 miles of the border and within 14 days of entry. Individuals facing expedited removal do not have a right to counsel or to a hearing before an immigration judge. (*Section G; implementation memo*)

### **Recommendations to mitigate negative local impacts of executive orders and implementation memos**

The following are recommendations on how to mitigate any real or perceived negative impacts on immigrant populations in your municipality as a result of these executive orders:

1. Consider adopting municipal language on a 'welcoming city' ordinance. Examples of local municipalities with such ordinances include the Village of Oak Park, City of Evanston, and Village of Skokie.
2. Meet with law enforcement authorities operating in your municipality (e.g., Illinois State Police, county, municipal) to understand their position/intent on local engagement with immigration executive orders (i.e., 287(g) program, welcome city policy, etc.)
3. Actively encourage Governor Rauner, state, county and municipal law enforcement agencies to refrain from entering into 287(g) agreements. (*see attached 287(g) fact sheet*)
4. Learn about and communicate with your local state representatives and senators regarding their position on the following state legislation:
  - a. HB 0426, the Immigration Safe Zones Act (Rep. Welch, D-7), adopted by House Human Services Committee on 2/23/17;
  - b. HB 2394, Student Access bill (Rep. Hernandez, D-24), assigned to House Higher Education Committee on 2/14/17; and
  - c. HB 3099 IL Trust Act (Rep. Hernandez, D-24), assigned to House Executive Committee on 2/22/17.
5. Sponsor a Know Your Rights (KYR) workshop and/or 'train-the-trainer' workshop to build KYR awareness in your municipality with accredited immigrant-serving organizations.
6. Disseminate localized fact sheets with contact information for municipal mental health service providers, including immigrant-focused services (e.g., suicide prevention and crisis hotlines).
7. Reach out to community-based organizations and houses of worship in your municipality that provide KYR training, free or low-cost immigration legal assessments and referrals.
8. Be vigilant against 'immigration consultant' scams in your municipality and have information in your local offices for possible victims of immigration fraud to contact the Attorney General's office.