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## Sanctuary State California –

Symbol politics or the evolution of the Sanctuary Cities?

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## Introduction

Since President Trump was elected President of the United States of America on the 9<sup>th</sup> November 2016, his speeches and rhetoric against immigrants in the US have been widely discussed. An important part of this agenda is the criticism of cities who have declared themselves as sanctuary cities. Therefore, President Trump tried to issue an executive order that aims to de-fund sanctuary jurisdictions that refuse to comply with federal immigration law in January 2017. (White House 2017) However, this attempt was ruled as unconstitutional in April 2017. But until today, the political aggression towards sanctuary cities goes on; for example, by threatening to release migrants into sanctuary cities. This trend is likely to increase further, as President Trump is trying to polarize and win voters in the upcoming election campaign.

In reaction to President Trump's election, many new forms of Sanctuary have emerged, such as sanctuary workplaces, sanctuary restaurants, sanctuary hospitals (Villazor and Gulasekaram 2018: 550) and sanctuary states. Leading this movement in 2017, California enacted a bill called the California Senate Bill 54, which declared California to be a sanctuary state. This essay will discuss the importance of the Sanctuary State Bill in California and what it means for local jurisdictions and the sanctuary city movement in this state.

## Sanctuary City movement in the US and California

In the United States of America, sanctuary has a long history and was, according to Ridgley (2013: 219), initially a product of biblical and faith-based ideas of support. As time went on, it was also shaped by legal, institutional and political contexts unique to the city. For today's sanctuary cities that means that their composition and effects are different due to the local governments, the political landscape and especially single politicians or activists. This said, there is no such thing as a single concept of a sanctuary city, but rather a shared common logic and history.

At the beginning of the movement the original subjects to protect were anti-war soldiers and refugees, but later it extended to non-citizens and other people who have been targeted by immigrant law enforcement. (Ridgley 2013: 228) The protection of illegalized immigrants and the relationship to federal immigration law is what today's discussion and movement of sanctuary cities in the US is focused on.

In North America the actions taken by a sanctuary city vary from place to place.

Whilst some are aiming to end cooperation between local law enforcement and the federal deportation agencies, others are focusing on municipal policies that would enable “access without fear”. This would mean that social services such as healthcare and education, amongst others, could be accessed by undocumented migrants without fearing the involvement of deportation agencies. The lowest common denominator of sanctuary cities suggests that the city at least aims for a non-racist living environment. (Dieterich 2016)

### State policy as an important tool

Due to the nationalist propaganda in the White House, states as a whole, rather than just local municipalities, have been forced to take a stand on federal immigration policy. Many states, mainly those positioned in the middle and south of the US, have banned sanctuary cities in order to fully support the federal immigration policy. But according to the Center for Immigration Studies (2019) some states, especially those concentrated along the East- and West Coast, with a couple of hotspots in the middle of North America, have passed laws aimed at shoring up immigration protection statewide, above all: California. (Steinmetz 2017)

The State with the most undocumented immigrants and the most comprehensive sanctuary state law is California. The concept of sanctuary is nothing new to California, as the 1<sup>st</sup> sanctuary city was declared in the City of Berkley in the 1970s as a so-called sanctuary for soldiers resisting the Vietnam War (Ridgley 2013: 219) and has been followed by many more cities since. By signing the California Senate Bill 54 in 2017, Californian Governor Jerry Brown dealt a blow against federal immigration policy in the state.

This bill built upon the California Trust Act (ratified in 2013 state law) which banned local agencies from detaining immigrants for the U.S. Immigration and Customs Enforcement (ICE), provided they had not been convicted of serious or violent felonies (or misdemeanors that could be construed as such). (Nichols 2018)

The State Bill 54 (SB54) prohibits local and state law enforcement authorities from using resources, including personnel or facilities, to investigate or arrest people for federal immigration enforcement purposes. No migrant can be transferred for misdemeanors and the local law enforcement is prohibited from asking or detaining a person for their immigration status.

SB54 also prevents the release of information about a detainee that is not already publicly available, provided the individual does not have a conviction for one of the excepted crimes, or has a qualifying criminal charge with probable cause. Additionally it prohibits the provision of office space for federal immigration authorities in local jail facilities. (Kopetman 2018)

Knowing that, it shows that the SB54 is not a new invention of the Governor but rather a development of the already existing California Trust Act. By signing and defending this bill against the lawsuit filed by the Trump administration, the case of California showcased that it is possible to enact a protecting law against federal immigration policy which enables sanctuary to be more than a symbolic statement.

## How does the bill affect cities and counties in California?

### Meaning for local jurisdictions and sanctuary cities

The declaration of a sanctuary state brought different consequences for the local jurisdictions in California. Even though the statewide law of enacting sanctuary politics is widely approved in California, currently 24 local jurisdictions have expressed their disagreement with the new law and split the state into two camps; for and against the illegalization of immigrants through federal immigration politics. The most prominent city opposing the bill is Huntington Beach, which filed a lawsuit against the state on the grounds that SB54 violates the local government's power to control its own municipal affairs. These efforts are joined by the private sector, such as Motel 6 allegedly reported the names of customers to ICE. (Villazor and Gulasekaram 2018: 552) Thus, a new anti-sanctuary movement has formed inside California fueled by the declaration of a sanctuary state.

On the other side, with SB54 California has made a brave and important step towards a liberal society where people cannot be sentenced and deported alone on the basis of their nationality. Therefore, the sanctuary state law is based on the New Sanctuary Movement (NSM) as described by Bauder 2016 (177). This focuses on illegalized migrants which have already built a life in the US and the need for safety of these individuals and families who already are members of urban communities. With SB54, the state actively challenges federal immigration law by establishing a set of rules to limit federal law and protect their own citizens. Instead of narrowing the term of sanctuary down to the smallest commonality of all

municipalities, SB54 sets a new standard. Furthermore, it provides a basis for other emerging forms of sanctuary and may be able to further support pre-existing sanctuary places and cities.

## Sanctuary State Thuringia?

When trying to transfer the current situation of California to that of Thuringia, one can find a lot of similarities but also difficulties. On one side, both states are surrounded by a rising hostility towards non-citizens and inside the state, single personalities, groups and cities are fighting for safety and political acceptance of the migrants. Popularism and xenophobia are becoming the center of focus more and more, and how to deal with migrants has become a topic that can sway elections.

On the other side the political landscape and responsibility varies. The process of California becoming a sanctuary state was supported by the Democratic Party, and due to their majority in state politics, it was easier to get the bill passed. In Thuringia the political landscape is far more complex and the relationship with federal immigration politics is not as antagonistic, as is the case in California.

This said the political contexts might seem similar but the situation in Thuringia is not as clear as in California. As with the sanctuary city movement, the implementation of a sanctuary state is dependent on the local political composition and not easily transferrable. With a political majority in Thuringia, it would at least be possible to adapt a statement of a sanctuary state and therefore setting a precedent by challenging municipalities and federal immigration law to take a position.

## Conclusion

Summing up the discussion above, it can be said that the Sanctuary State Bill enacted in California is more than symbolic politics. Its concrete content as well as the reaction of single municipalities and the federal government shows how powerful SB54 is. Whilst some may say that California's comprehensive approach to safety for illegalized immigrants has led to a division of society. Other arguments support that California has always been a pioneer of sanctuary and the declaration of a sanctuary state is the next step in developing a broad understanding of human rights for everyone and is able to tie together all the different places where sanctuary has appeared in the last years.

As a pioneer in its approach, the transferability of the Californian Bill is to be reviewed in each individual case, and as with sanctuary cities it is dependent on the specific political composition of a state.

Furthermore, it will be interesting to observe the impact SB54 has on the anti-sanctuary movement in California and also how the sanctuary state movement develops in other places in comparison with the Californian approach.

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