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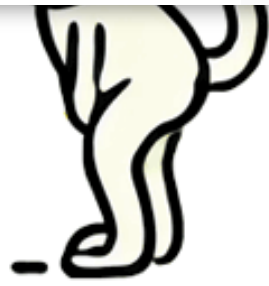
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Trump wants to cut funding to
sanctuary cities and towns – but they
don't actually violate federal law

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(The Conversation)



While sanctuary policies for immigrants have grown in the U.S. since the 1980s, the Trump administration is the first to challenge them. [Marcos Silva/iStock/Getty Images Plus](#)

[Benjamin Gonzalez O'Brien](#), *San Diego State University* and [Loren Collingwood](#), *University of New Mexico*

San Francisco, Chicago and New York are among the major cities – as well as more than 200 small towns and counties and [a dozen states](#) – that over the past 40 years have adopted what is often known as sanctuary policies.

There is not a single definition of a sanctuary policy. But it often involves local authorities not asking about a

for a traffic violation, the officer will not ask if the person is living in the country legally.

American presidents, from Ronald Reagan to Joe Biden, have chosen to leave sanctuary policies largely unchallenged since different places first adopted them in the 1970s. This changed in 2017, when President Donald Trump first [tried to cut federal funding](#) to sanctuary places, claiming that their policies “[willfully violate Federal law.](#)” Legal challenges during his first term stopped him from actually withholding the money.

At the start of his second term, Trump signed two executive [orders in January](#) and [April 2025](#) which again state that his administration will withhold federal money from areas with sanctuary policies.

“Working on papers to withhold all Federal Funding for any City or State that allows these Death Traps to exist!!!” Trump said, [according to an April White House statement](#). This statement was immediately followed by his April executive order.

These two executive orders task the attorney general and secretary of homeland security with publishing a list of all sanctuary places and notifying local and state officials of “non-compliance, providing an opportunity to correct it.” Those that do not comply with federal law, according to the orders, may lose federal funding.

San Francisco and 14 other [sanctuary cities](#), including New Haven, Connecticut, and Portland, Oregon, sued the Trump administration in February on the grounds that it was illegally trying to [coerce cities](#) to comply with its policies. A U.S. district court judge in California issued an [injunction on April 24 preventing the administration](#) – at least for the

policies for over a decade, we know that Trump's claim that sanctuary policies violate federal immigration law is not correct.

It's true that the federal government [has exclusive jurisdiction](#) over immigration. Yet there is no federal requirement that state or local governments participate or cooperate in federal immigration enforcement, which would require an act of Congress.



A sign is seen at the Nogales, Ariz., and Mariposa, Mexico, border crossing. [Jan Sonnenmair/Getty Images](#)

What's behind sanctuary policies

In 1979, the Los Angeles Police Department was the first to announce a [prohibition on local officials](#) asking about a resident's immigration status.

and violence in their home countries and migrated to the U.S. This prompted a number of cities to declare solidarity with the faith-based sanctuary movement that offered refuge to Salvadoran, Guatemalan and Nicaraguan asylum seekers facing deportation.

In 1985, Berkeley, Calif., and San Francisco pledged that city officials, including police officers, would not report Central Americans to immigration authorities as long as they were law abiding.

Berkeley also [banned officials](#) from using local money to [work with federal immigration](#) authorities.

"We are not asking anyone to do anything illegal," Nancy Walker, a supervisor for San Francisco, said in 1985, [according to The New York Times](#). "We have got to extend our hand to these people. If these people go home, they die. They are asking us to let them stay."

Today, there are hundreds of sanctuary cities, towns, counties and states across the country that all have a variation of policies that limit their cooperation with federal immigration authorities.

Sometimes – but not always – places with sanctuary policies bar local law enforcement agencies from working with Immigration and Customs Enforcement, the country's main immigration enforcement agency.

A large part of ICE's work is identifying, arresting and deporting immigrants living in the U.S. illegally. In order to carry out this work, ICE issues what is known as "[detainer requests](#)" to local law enforcement authorities. A detainer request asks local law enforcement to hold a [specific arrested person](#) already being held by police until that

these requests, some sanctuary jurisdictions, like the [state of California](#), only do so in the cases of particular violent criminal offenses.

Yet local officials in sanctuary places cannot legally block ICE from arresting local residents who are living in the country illegally, or from carrying out any other parts of its work.

Can Trump withhold federal funding?

Trump claimed in 2017 that sanctuary policies violated federal law, and he issued an executive order that tried to [rescind federal grants that these jurisdictions received](#).

However, the [9th Circuit Court of Appeals](#) ruled in a 2018 case involving San Francisco and Santa Clara County, California, that the president could not refuse to “disperse the federal grants in question without congressional authorization.”

Federal courts, meanwhile, split over whether Trump could freeze funding attached to a specific federal program called the [Edward Byrne Memorial Assistance Grant Program](#), which provides about [US\\$250 million](#) in [annual funding](#) to state and local law enforcement.

These cases were in the process of being appealed to the Supreme Court when the Department of Justice, under Biden, asked that they be dismissed.

The Supreme Court ruled in 1992 and again in 1997 that the federal government could not coerce state or local governments to use their resources to enforce a federal regulatory program, or compel them to enact or administer a federal regulatory program.

Under pressure

The first Trump administration was not generally successful, with the exception of the split over the Edward Byrne Memorial Assistance Grant Program, at stripping funding from sanctuary places. But cutting federal funding – even if it happens temporarily – can be economically damaging to cities and counties while they challenge the decision in court.

Local officials also face other kinds of political pressure to comply with the Trump administration's demands.

A legal group founded by Stephen Miller, deputy chief of staff in the Trump administration, for example, sent letters to dozens of local officials in January threatening criminal prosecution for their sanctuary policies.



Michelle Wu, the mayor of Boston, a sanctuary city, testifies during a House committee hearing on sanctuary city mayors on March 5, 2025, in Washington. [Nathan Posner/Anadolu via Getty Images](#)

The real effects of sanctuary policies

One part of Trump's argument against sanctuary policies is that places with these policies [have more crime](#) than those that do not.

But there is no established [relationship](#) between sanctuary status and crime rates.

There is, however, evidence that when local law enforcement and ICE work together, it reduces the [likelihood of immigrant and Latino](#) communities to [report crimes](#), likely for fear of being arrested by federal immigration authorities.

Sanctuary policies are certainly worthy of debate, but this requires an accurate representation of what they are, what

Associate Professor of political science, [University of New Mexico](#)

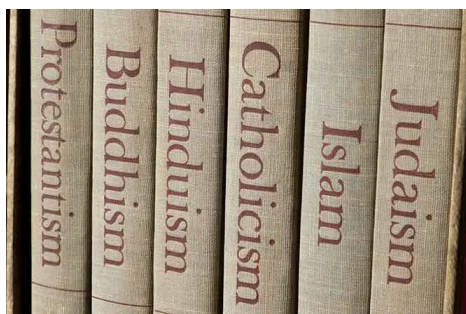
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