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Abstract

This paper argues that sanctuary cities and sanctuary policies in the United States are a manifestation of the conflicts resulting from processes of globalization, which have changed traditional notions of citizenship, state sovereignty, and state security, as well as fostered a cultural backlash and identity politics within the U.S.

Keywords

Sanctuary Cities, Immigration, Migration, Globalization, Immigration Policy, Citizenship, Sovereignty

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Comments

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Is Citizenship Still Relevant? State Sovereignty, Migration, and Sanctuary Cities in a Globalizing World

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Sanctuary cities first emerged in the United States in the 1980s in response to large flows of refugees fleeing from Central American countries experiencing turmoil. Since then, the number of sanctuary cities has expanded across the country, encompassing small counties to large cities—San Francisco, Chicago, and Seattle, to name a few. Generally, sanctuary policies are adopted by states, cities, and counties that decline to cooperate with federal immigration enforcement to varying degrees. Although these cities have never been completely safe from persecution, they have been increasingly under threat by the federal government the longer they have continued to exit. Most recently, the debate over sanctuary cities has become a major point of contestation under the presidency of Donald Trump and his Department of Justice.

The phenomenon of sanctuary cities and their increasing relevance in this era points to an increasingly globalized world. Although there are ongoing debates among scholars over whether the current era is the first time the world has experienced globalization, it is certainly true that the world is undergoing a process of globalization, whether it is the first or most significant in history aside. Globalization involves expanded trade and transnational economic activity, speedier and denser communication networks, and amplified conflicts between and among groups due to intensified contact.[1] In the United States, globalization has affected the country in numerous ways, but this essay is concerned with its particular effect on immigration policy, state sovereignty, and citizenship. Globalization involves complex social, economic, cultural, and political processes that interact with one another to affect flows of migration, the global and U.S economies, immigration policies, and notions of citizenship—such as how the state defines citizenship and deems who is worthy to be a citizen, which invariably involves questions of state sovereignty and state security. This paper argues that sanctuary cities and policies in the United

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[1] Thomas Hylland Eriksen, *Globalization: The Key Concepts*. 2nd ed. (London: Bloomsbury Academic, 2016), 5.

States are both a result of and a manifestation of the tensions and conflicts resulting from processes of globalization, which have changed traditional notions of citizenship, state sovereignty, and state security, as well as fostered cultural backlash and identity politics within the U.S. Because sanctuary cities illustrate the way the country and the world are changing, they have become sites of contestation between those who understand the U.S.'s role in facilitating international migration and support these policies, and those who believe these policies violate the laws and values of the United States.

This essay begins with a section that addresses U.S. immigration policy, the criminalization and securitization of migration, changing definitions of security threats, the U.S.'s role in spreading globalization, native attitudes towards migration and globalization, and globalization's impacts on state sovereignty. The second section addresses changing definitions of citizenship and belonging, citizenship's connection to migration and state sovereignty in the context of globalization, the irony in state policies concerning migration and citizenship, natives' responses to changes in notions of citizenship, the spatial dimension of citizenship, and finally, how local citizenship is constructed. This leads to the third and final section of the paper, which concerns the development and the rise of sanctuary cities, the backlash against these policies, and how this phenomenon fits into processes of globalization.

This paper proposes that each sanctuary city is a unique phenomenon that illustrates the conflicts among processes of globalization. These cities have emerged, in part, from the United States' role in furthering globalization processes, and these processes have resulted in changes to traditional notions of state sovereignty, state security, and citizenship, ultimately creating an opportunity for such cities and policies to develop in the country. Thus, sanctuary cities are both a result of globalization as well as a manifestation of the tensions among different processes of

globalization. As a result, sanctuary cities have become politicized entities that have divided the American public.

Section 1: Immigration Policy

Throughout history, most Americans have taken pride in calling the country a "nation of immigrants." Yet, if one studies the history of immigration in the United States, it is clear that each new group of immigrant arrivals has had to face discrimination from natives who claim the country is already filled to capacity.[2] This continues to be true today. It is important to study the evolution of immigration policy in the United States in order to see how the country came to develop its current policies, including sanctuary policies.

In the United States, immigration policy is under federal authority because it is linked to the federal government's control over relations with foreign governments. The Supreme Court has rejected state laws that tried to regulate migration with the justification that they infringed on the Equal Protection Clause of the Constitution and the principle of federal preemption. Questions of migration *enforcement*, however, have been much less clear. The Immigration and Nationality Act of 1952 did not address the question of whether state and local police have the right to enforce federal immigration law; later revisions of the act still did not completely clear the issue up.[3]

The fixation on so-called "illegal immigration"[4] became prominent in policy discussion in the 1970s and was soon institutionalized as part of federal law with the passage of the 1986

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[2] Saskia Sassen, *Globalization and Its Discontents*. (New York: News Press, 1998), 2.
[3] Jennifer Ridgley, "Cities of Refuge: Immigration Enforcement, Police, and the Insurgent Genealogies of Citizenship in U.S. Sanctuary Cities," *Urban Geography* 29, (2008): 56.
[4] Italics are used for illegal immigration because no human being can be considered illegal. Instead, undocumented immigration is a more appropriate label to use.

Immigration Reform and Control Act (IRCA).[5] IRCA aimed to solve the "problem" of undocumented immigration, such as by including provisions that sanctioned employers who knowingly hired undocumented migrants.[6] However, Ridgeley notes that the enforcement of employer sanctions has not been substantial; in fact, the provision ostracized migrant workers and criminalized access to jobs instead of punishing employers.[7] IRCA symbolized the country's growing concern with enforcement of federal immigration law. It also provided expanded resources and funding to immigration enforcement, which allowed for a steady increase in immigration raids in many U.S. cities, sometimes undertaken with the aid of local police forces and authorities.[8] Additionally, according to Ridgley, IRCA represented "a new focus on expanding immigration enforcement beyond the country's borders to sites and scales not previously associated with border security."[9] This trend continued in the 1990s via immigration and welfare reform laws. In 1996, the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) and the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA/Welfare Reform Act) were passed, along with the Anti-Terrorism and Effective Death Penalty Act (AEDPA). These new laws, as Ridgley states, "gave policy expression to the political discourse that associated a lack of border control with crime, gangs, the erosion of the social safety net, and a loss of cultural hegemony."[10] In this way, undocumented migrants were seen as the cause of many problems and changes in the U.S. So, while IRCA focused on increasing the policing and surveillance of undocumented immigrants, the 1996 reforms criminalized migrants.

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[5] Ridgley, 59.
[6] Sassen, *Globalization and Its Discontents*, 33.
[7] Ridgley, 59.
[8] Ridgley, 59.
[9] Ridgley, 60.
[10] Ridgley, 61.

1.1: Migrant 'Illegality' and Migrant Criminalization

The restrictive immigration laws put into place at the end of the twentieth century symbolized the country's increasing focus on "illegality." While nineteenth and twentieth century immigration laws were explicitly based on race and nationality (such as the Chinese Exclusion Act of 1882), today that is no longer politically acceptable, and so immigration policy is now centered around illegality. Thomas created a framework concerning the major reasons that illegality has become a concern in the United States:

> (1) 'illegal' immigration skirts the rule of law—i.e., illegal immigration is bad, because of its illegality; (2) illegal immigration is a national security concern, because those who cross the border illegally are not inspected for health, security, or criminal concerns, like legal immigrants- though not necessarily natural-born citizens- would be; (3) illegal immigration applies negative fiscal pressures on states and the federal government; and (4) immigration takes jobs and wages away from more deserving natives.[11]

This focus on "illegality" is no less discriminatory than previous immigration laws explicitly based on race and country, because illegal immigration is only possible when some group is "illegalized." The notion of illegality masks who is being "illegalized" and why. Today, the people who are "illegal" are low- or unskilled, poor workers from developing nations. Thomas writes that "the United States has 'illegalized' a certain type of immigrant—not squarely on the basis of their race- but rather on the basis of their socioeconomic status, which happens to peculiarly intermesh, statistically, and as a matter of identity, with race and nationality."[12] So, the U.S. is still keeping out undesirable "others," as they did with previous immigration policies, but this goal is clouded by "politically palatable rhetoric"[13] that is focused on illegality, not race or

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[11] Patrick W. Thomas, "The Recurring Native Response to Global Labor Migration," *Indiana Journal of Global Legal Studies* 20, no. 2 (2013): 1401-1402.
[12] Thomas, 1409-1410.
[13] Thomas, 1404.

nationality. Illegality serves a particular purpose because it is seen as a harm in and of itself, but it obscures two different classes of illegal immigrants: those illegal because of criminal, security, or health concerns and those illegal because they have no legal path of immigration available to them.[14] Thus, illegality not only makes all undocumented immigrants criminal, but makes all of them equally criminal. This presents a clear flaw in the U.S. immigration system: there is no legal process for low or unskilled migrants to come to the United States permanently. Processes exist for all other groups of migrants: the highly-skilled, those with pre-existing family ties to the country, and those that are looking for temporary work.[15] So, the "illegal" immigrants inevitably end up being unskilled and poor; they are also likely from a dissimilar (non-white) race, culture, and society because it is people from developing countries[16] who have the most to gain from migrating to developed, Western countries.[17] Empathy for these unskilled workers, who usually try to migrate because of factors outside their control, such as the inadequate educational and employment opportunities in their home countries, is diluted by their categorization as "illegal," and thus criminal.

1.2: Securitization of Migration

With the rise in the criminalization of migration, there has been a parallel rise in the securitization of migrants. National security is always an important aspect of immigration policy, but with globalization it has been increasingly threatened, which has largely changed what is considered a security threat. Most generally, security refers to the absence of threats. Traditionally, national and international security concerns have fixated on dangers revolving

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[14] Thomas, 1419.
[15] Thomas, 1420.
[16] Note: this is partially due to processes of globalization as well as the legacy of colonialism.
[17] Thomas, 1420.

around military actions; in these cases, the state is the entity in need of defense from threats such as war or a military offensive from another nation.[18] But, as Adamson writes, "what emerges in the context of globalization…is the proliferation of a number of security threats to states that emanate from non-state actors."[19] She adds, "dimensions of globalization such as international migration influence state security interests in much more complex, contradictory, and diffuse ways than do traditional threats."[20] These new, complex threats have arisen in often shocking ways, and consequentially, issues relating to the environment, poverty, and international migration have all been labeled as security risks.[21] There is no longer a clearly labeled threat to the state (such as a uniformed state army), but many different threats, emerging from various origins.

In the post-Cold War era, the United States increased border policing, innovated their technology to regulate borders, and overall, militarized and securitized border patrol.[22] After 9/11, the Department of Homeland Security was created, U.S. borders were even further securitized, and immigration became increasingly linked to terrorism, all of which arguably institutionalized immigration as a threat to the security of the country. Controlling borders and immigration policy became key tools in the so-called "War on Terror."[23]

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[18] Julia Tallmeister, "Is Immigration a Threat to Security?" *E-International Relations Students* (24 Aug. 2013).
[19] Fiona Adamson, "Crossing Borders: International Migration and National Security," *International Security* 31, no. 1 (Summer 2006): 197.
[20] Adamson, 197.
[21] Tallmeister, "Is Immigration a Threat to Security?"
[22] Adamson, 197.
[23] Tallmeister, "Is Immigration a Threat to Security?"

Strunk and Leitner speculate on the securitization of migrants, writing, "security…is meaningless without an 'other' to help specify the conditions of insecurity."[24] Following this theorization, the migrant is perceived as an "alien" who brings insecurity to the nation via his/her "otherness." Strunk and Leitner add that "the production of the undocumented immigrant Other, who poses a (real or perceived) threat to individuals, the local and national communities, is highly racialized, constructing people of non-European ancestry as implicit objects of suspicion and threat."[25] It is precisely this perceived (cultural, physical, and/or religious) "otherness" that is viewed as threatening. When migrants are both labeled and viewed as an "other," they become scapegoats for various problems the nation is facing, which leads them to be perceived as security threats. This perceived threat allows policymakers to justify restrictive immigration policies and increased border policing. A result of the increasingly rigid immigration policies adopted in the U.S. is the devolution of immigration enforcement. This decentralization of enforcement by authorities at the federal level to enforcement by authorities at the state, local, and municipal level has caused an expansion in the surveillance of all immigrants living in the U.S. Strunk and Leitner write, "Discourses and practices of state security are not just about border enforcement or foreign policy, therefore, but are also techniques of governing immigrants and their families within everyday spaces."[26] Thus, the U.S.'s increased attempts to tighten security has made both documented and undocumented immigrants more insecure in their daily lives.

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[24] Christopher Strunk and Helga Leitner, "Resisting Federal-Local Immigration Enforcement Partnerships: Redefining 'Secure Communities' and Public Safety," *Territory, Politics, Governance* 1, no. 1 (March 21, 2013): 65.
[25] Strunk and Leitner, 64.
[26] Strunk and Leitner, 68.

There are several key ways migrants are said to have a negative impact on the country and thus are conceived as security threats: their effect on the economy, their effect on the welfare system, and their portrayal as potential criminals and terrorists. Regarding the first claim, the expanded definition of security now includes threats to the economy, which has brought attention to how migrants affect the economic sector, ultimately resulting in labeling immigration a security issue.[27] Immigration undeniably affects the U.S. economy, but its impact has both advantages and disadvantages. However, popular discourse usually focuses on the negative impacts of immigration. The second claim involves the discourse that constructs immigrants as unlawfully taking advantage of the country's welfare system. Tallmeister writes that immigrants are "presented as profiteers and free-loaders who illegitimately exploit the host state's welfare system, and the welfare system is presented as unable to sustain an influx of immigrants."[28] She adds that "immigrants are portrayed to be so numerous and poor that they pose a strong economic threat to the state, creating housing shortages and straining education, transportation, sanitation and communication services."[29] So, immigrants are perceived to be threatening because they are portrayed as taking away both jobs and social benefits from natives.

Political rhetoric often inflames the anxious feelings concerning immigration and security among the public. Tallmeister points out that "irregular migrants are targeted by populist and official rhetoric as threats to international order, labour market regulation, cultural homogeneity, social stability, welfare provision, services, infrastructure and personal security." Tallmeister also cites the argument of Huysmans (2000) who wrote about the negative discourse surrounding immigration, which "'reproduces the political myth that a homogenous national community or

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[27] Tallmeister, "Is Immigration a Threat to Security?"
[28] Tallmeister, "Is Immigration a Threat to Security?"
[29] Tallmeister, "Is Immigration a Threat to Security?"

western civilization existed in the past and can be re-established today through the exclusion of those migrants who are identified as cultural aliens.'"[30] Thus, rhetoric that espouses that migrants are "flooding" into the country and "stealing" jobs serves the purpose of convincing natives that migrants are negatively affecting the country and causing any and all of its current problems; it also implies that through the removal of these migrants, the nation can once against be safe, pure, and homogenous. The perceived security threat of migrants has effects on migrants, on U.S. natives, and on immigration policy in the country. As international migration is increasingly perceived as not only a problem but a threat, it is important to consider both the causes and effects of this phenomenon.

1.3: Globalization and Migration

A discussion concerning how the U.S. has participated in the spread of globalization, and particularly how globalization has facilitated international migration, is important in considering the responsibility that the U.S. has towards immigrants. Migration is clearly not a new occurrence, but globalization has certainly had an effect on who migrates, to where they migrate, how many people migrate at any given time, and why they migrate. Adamson writes that globalization, particularly global economic integration, has caused more mobile "pools of labor" as well as the creation of stronger ties and connections among industrial and developing countries, which provides new opportunities for migration.[31] Adamson also cites the 2003 report by the International Organization for Migration (IOM), which posits that the increasing amount of people crossing borders "is among the most reliable indicators of the intensity of

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[30] Tallmeister, "Is Immigration a Threat to Security?"
[31] Adamson, 168.

globalization."[32] Indeed, Adamson affirms, "there is now almost no state or part of the world that is not importing or exporting labor."[33] In this way, globalization is connecting once far away, disparate nations via economic integration, which serves to incentivize and facilitate the migration of people to new countries.

The U.S. has had a significant role to play in the spreading of globalization processes in the international arena, which has directly contributed to modern migration patterns. The state has been an active participant in such processes, not a passive viewer, nor an opponent. Sassen cites the 1960s and 1970s as the era when the U.S. began to play a vital part in the development of today's global economic system. She writes that the U.S. was a "key exporter of capital, promoted the development of export-manufacturing enclaves in many Third World countries, and passed legislation aimed at opening its own and other countries' economies to the flow of capital, goods, services, and information."[34] Clearly,tThe U.S. was a key actor in fostering this new global economy. This global economic system contributed to the formation of groups of potential emigrants as well as the establishment of ties between industrialized and developing countries that served as facilitation for international migration.[35] The proof of this, writes Sassen, is that "several of the newly industrializing countries with the highest growth rates in the world are simultaneously becoming the most important suppliers of immigrants to the United States."[36] So, the U.S.'s engagement with the economies of industrializing countries has created connections with the workers in those countries that facilitate migration from those countries to the U.S.

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[32] Adamson, 169.
[33] Adamson, 169.
[34] Sassen, *Globalization and Its Discontents*, 34.
[35] Sassen, *Globalization and Its Discontents*, 34.
[36] Sassen, *Globalization and Its Discontents*, 34

Thomas further explains how globalization and migration are linked to each other (and to the U.S). Besides the development of a global economy, as discussed above, globalization has also made immigration more attractive—mainly because workers in developing countries have become more acutely aware of the global wealth and income inequalities that globalization has, in fact, amplified. Such distinct differences in wealth have created an unrelenting enticement for unskilled workers to emigrate to wealthier nations with higher wages. As Thomas writes, "even in the face of physically arduous journeys and harsh anti-immigration laws, the utility calculus still continues to weigh in favor of migration."[37] This incentive to migrate is aided by the philosophical links between developing countries and industrialized countries that globalization creates. This occurs directly and indirectly: workers in industrializing countries, employed by Western multinational corporations, experience some degree of Westernization as they create goods and services to be used in the Western world, and thus become more familiar with Western lifestyles and mindsets. Sassen writes, "For these workers, already oriented towards Western practices and modes of thought in their daily experiences on the job, the distance between a job in the offshore plant or office and a comparable job in the industrialized country itself is subjectively reduced."[38] Globalization makes the distance between industrializing countries and the U.S. matter less as workers feel some degree of closeness to the Western world, which makes the West a sensible place to immigrate to.

1.4 Native Responses to Globalization and Migration

Globalization is impacting natives in the United States as much as it is impacting other, far-away places and people. The "globalization of production" has transformed the job and

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[37] Thomas, 1399.
[38] Sassen, *Globalization and Its Discontents*, 43.

income structure of the United States, and this has resulted in the expansion of low-wage jobs in the country. Sassen writes, "The decline of manufacturing and the growth of the service sector have increased the proportion of temporary and part-time jobs, reduced advancement opportunities within firms, and weakened various types of job protection. This 'casualization' of the labor market has facilitated the absorption of rising numbers of immigrants."[39] Therefore, globalization has created a situation in the United States where many natives have lost their jobs because they have been displaced outside of the country to developing nations, thanks in part to economic globalization and integration. As a result, natives are left to compete for unskilled, low-wage jobs—often service jobs, which offer little security to their workers. These jobs attract immigrants much more than native workers, who are accustomed to higher-paying, often unionized manufacturing jobs.[40] Importantly, Sassen notes, "even immigrants who are highly educated and skilled when they arrive in the United States tend to gravitate toward the low-wage sectors of the economy."[41] So, natives may even be competing for unskilled work with highly-skilled immigrants who are willing to work for lower wages. However, these low-wage jobs are the ones that certain groups of natives have to take because their former jobs no longer exist in the country, and these workers may not have the education or skills to do any other kind of work. All of these developments inevitably lead to conflict between immigrants and natives, who have both been greatly affected by globalization. Immigrants are increasingly in a position to move to a new place where they perceive economic opportunities, but where they will also be in a very vulnerable position for an unknown amount of time. Natives, on their other hand, lost their jobs to outsourcing and have been excluded from the economic growth and job opportunities that

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[39] Sassen, *Globalization and Its Discontents*, 34.
[40] Sassen, *Globalization and Its Discontents*, 46.
[41] Sassen, *Globalization and Its Discontents*, 48.

globalization has fostered for some. In the minds of natives, Wilks writes, "the resulting

mismatch between the longstanding mantra of securing socioeconomic mobility with persistent

hard work and the current earnings trends have led to a crisis of confidence" which has resulted

in anger towards undocumented immigrants who "symbolize stolen prosperity and dependency

on a social welfare state viewed as unable to care for marginalized Americans."[42] In other words,

for these natives, "The American Dream" has been shattered because of globalization.

A particular result of globalization's disparate effects on different populations has been

the rise of identity politics in the U.S. Piven sums up the essence of identity politics well:

> People construct the 'collective identities' which define the common traits and common interests of the group and inherit and invent shared traditions and rituals which bind them together. The mirror image of this collective identity is the invention of the Other, whoever that may be, and however many they may be. And as is often pointed out, it is partly through the construction of the Other, the naming of its traits, the demarcation of its locality, and the construction of a myth-like history of struggle between the group and the Other, that the group recognizes itself.[43]

This theory of identity politics can be applied to natives of the United States (especially those

who perceive migration as a threat) and the "Others," the migrants to the United States. Natives

are linked by their birth in the country, but it is only through the labeling of migrants as "Others"

that natives find a common enemy and develop a common group identity. Piven writes, "The

actual group that people experience, the local territory that they actually know, comes to be

joined with the remote state and its flag, just as the external enemy of the state comes to be seen

as the menacing Other, now depicted as a threat not only to the group and its locale, but as a

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[42] Stephen Wilks, "A Complicated Alchemy: Theorizing Identity Politics and the Politicization of Migrant Remittances Under Donald Trump's Presidency," *Cornell International Law Journal* 50 (2017): 296.
[43] Frances Fox Piven, "Globalizing Capitalism and the Rise of Identity Politics," *Socialist Register* 31 (1995): 104.

threat to the nation-state."[44] Piven notes the inevitability of such conflict because "if unfamiliar proximity is likely to intensify group consciousness and fractionalism, this is especially so when outsider groups are seen as competitors for limited jobs, neighbourhood space, honour, and influence."[45] This is certainly the case among U.S. natives and migrants. Certain segments of the U.S. population are experiencing real declines in their living situations, while at the same time they perceive undeserving "Others" to be increasing their living standards at the expense of natives. Piven concludes: "no wonder there has been a spread of an identity politics, often a hate-filled identity politics."[46] Identity politics has contributed to the popular "deserving natives" versus "undeserving migrants" debate in society. However, this conflict may be partially a result of a misunderstanding about what has intensified and expanded international migration.

1.5 Why Migrants Come to the U.S.

Immigration policy and the surrounding discourse in the United States does not generally acknowledge how broad, global processes affect flows of migration. Instead, the responsibility and decision to immigrate is placed exclusively on the individual. Sassen writes, "the worldwide evidence reveals that there is a pattern in the geography of migrations and shows that the major receiving countries tend to get immigrants from their zones of influence."[47] Despite this evidence, globalization is usually not included in the discourse surrounding why migrants emigrate from their home countries. There are a few reasons for this. One, as Thomas notes, is that "global labor migration is part of the globalization that people perceive as an external force."

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[44] Piven, 105.
[45] Piven, 111.
[46] Piven, 111.
[47] Saskia Sassen, *Losing Control?: Sovereignty in an Age of Globalization* (New York: Columbia University Press, 1995), 65.

Thomas adds that this perspective is deeply flawed because "globalization is not an external force, but rather is deeply embedded in local processes throughout the world."[48] Many natives view globalization and increased immigration as part of this same external "problem," and immigration restrictions are then warranted in order to counter globalization's perceived negative effect on native workers.[49] Sassen points out that immigration is simplified by both natives and U.S. policymakers: "U.S. policymakers and the public alike believe the causes of immigration are self-evident: people who migrate to the United States are driven to do so by poverty, economic stagnation, and overpopulation in their home countries."[50] Sassen writes that in this context, immigration becomes a humanitarian matter where the U.S. "admit[s] immigrants by choice and out of generosity, not because [they] have any economic motive or political responsibility to do so."[51] Sassen notes that based on this thinking, policymakers prefer to choose an immigration plan that selectively allows immigrants into the country for such reasons as family reunion and refugee relocation; they might also attempt to reduce international immigration by promoting direct foreign investment, foreign aid, and democracy in the industrializing, migrant-sending nations.[52] This is the exact immigration policy the U.S. has chosen, which Thomas outlines as such: "legal immigration is contingent on (1) family or employer ties to the United States, (2) ability to pay, and (3) lack of disqualifying factors such as criminal or terrorist behavior, public health risks, and a wide variety of others."[53] This type of immigration policy entails incorrect assumptions about the nature of migration and why

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[48] Thomas, 1400.
[49] Thomas, 1400.
[50] Sassen, *Globalization and Its Discontents*, 31
[51] Sassen, *Globalization and Its Discontents*, 34.
[52] Sassen, *Globalization and Its Discontents,* 34.
[53] Thomas, 1401.

particular migrants come specifically to the U.S. at a certain time; all migration flows are context-specific. Sassen writes:

> In most of the countries experiencing large migration flows to the United States, it is possible to identify a set of conditions and linkages with the United States that, together with overpopulation, poverty, or unemployment, induce emigration. While the nature and extent of these linkages vary from country to country, a common pattern of expanding U.S. political and economic involvement with emigrant-sending countries emerges. A key element in this pattern is the presence of direct foreign investment in production for export.[54]

When taking history into consideration, it is clear that migrants who chose to emigrate to new countries wanted to leave bad conditions in their own countries and were in search of new opportunities that their country did not offer. But they specifically chose the United States as the site of their new home because of the U.S.'s connection to their native state. As the U.S. has permeated various countries via processes of globalization, it has created connections to those countries that has incentivized and facilitated migration. Therefore, the U.S. is not a passive recipient of immigration, as popular discourse likes to posit, but an active participant in the forces that cause migrants to move to the U.S.

Unfortunately, despite the abundance of evidence, U.S. policymakers and much of the public refuse to see immigration in any other way than as the result of the failure of socioeconomic conditions in the developing world, instead of being a result of ever-increasing U.S. involvement in the global economy and other global processes. Sassen writes that, consequently, the country "fails to recognize that the proposals dominating the debate on immigration policy—sanctions on employers, deportation of illegal immigrants, stepped-up border patrols—are unlikely to stem the flow."[55] The U.S. continues to treat immigration policy as isolated from other policies and processes, seeming to believe it is possible to handle such a

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[54] Sassen, *Globalization and Its Discontents*, 40.
[55] Sassen, *Globalization and Its Discontents,* 49.

broad, complicated phenomenon as closed and bounded. Sassen adds, "states may insist on treating immigration as the aggregate outcome of individual actions, but they cannot escape the consequences of those larger dynamics. A national state may have the power to write the text of an immigration policy, but it is likely to be dealing with complex, transnational processes that it can only partly address or regulate through immigration policy."[56] So, even though the U.S. has the right to self-determination, to outlining its own immigration policies, and to state sovereignty, this does not mean that international migration will fit neatly into the state's conception of immigration. The U.S. will likely find it increasingly difficult to reduce flows of migration because of the connections the country has forged—and continue to forge—with other countries, aided in part by the processes of globalization that it has actively pursued and promoted.

1.6: Globalization, State Sovereignty, and Migration

Globalization has had another deeply important impact on states throughout the world: it has reconfigured state sovereignty in favor of international governance systems. Globalization has created a new geography of power where, as Sassen writes, the state "finds its sovereign power reconstituted and often diminished."[57] This is the result of the U.S.'s role in forming new international economic, legal, and political organizations that has caused the state to transfer at least some authority away from itself. Bloemraad, Korteweg, and Yurdakul cite the growing influence of multinational corporations as well as international free trade agreements as major factors that restrain state sovereignty. Such endeavors have transformed the state. However, this does not mean the end of state sovereignty, as Sassen points out, but rather that "the exclusivity

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[56] Sassen, "Immigration Policy in a Global Economy," 19.
[57] Sassen, "Immigration Policy in a Global Economy," 2.

and scope of their competence has altered. There is a narrowing range within which the state's authority and legitimacy are operative."[58] Adamson adds that the changing global setting "challenge[s] notions of the territorial state as a bounded entity with a clearly demarcated territory and population."[59] Partially due to this change, national security and state sovereignty are increasingly linked in the context of globalization, and they have varying effects on immigration policy.

Bloemraad, Korteweg, and Yurdakul contend that globalization is a reality that "undermines the relevance of borders and state sovereignty" thanks to innovations in communication and transportation technology that allow migrants to maintain continual cross-border relations, which assists the global flow of ideas and cultures.[60] Migration flows and globalization are inextricably linked in the twenty-first century. The result of this new, unfamiliar environment is, as discussed earlier, the criminalization and securitization of migration. Adamson writes that international immigration is portrayed as "overwhelming states' capacity to maintain sovereignty across a number states, thus jeopardizing the very basis of their security."[61] Sassen adds, "Although the state continues to play the most important role in immigration policymaking and implementation, the growth of a global economic system and other transnational processes transformed it. These changes have created conditions that encroach on the state's regulatory role and its autonomy."[62] So, even as notions of state sovereignty are changing and perhaps eroding, state sovereignty is still highly valued and

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[58] Sassen, "Immigration Policy in a Global Economy," 16.
[59] Adamson, 175.
[60] Irene Bloemraad, Anna Korteweg, and Gökce Yurdakul, "Citizenship and Immigration: Multiculturalism, Assimilation, and Challenges to the Nation-State," *Annual Review of Sociology* 34 (April 3, 2008): 165.
[61] Adamson, 175.
[62] Sassen, "Immigration Policy in a Global Economy," 1.

defended in the international community, and for immigrants it is still a major factor that affects

their ability to get to and stay safely in new countries. However, it is vital to consider the

possibility of continued eroding state sovereignty because the state has been and remains the

most important actor in immigration policy and regulation.[63] Sassen writes, "The displacement of

governance functions away from the state to non-state entities affects the state's capacity to

control or keep controlling its borders."[64] This displacement, although technically encouraged

and facilitated by the state, has created tension with the state's ability to regulate immigration in

the ways it traditionally has.

The development of international human rights law is another important new

phenomenon that involves questions about state sovereignty and globalization. What is unique

about such a development is that human rights are not dependent on nationality; this is a sharp

divergence from political, social, and civil rights, which are distinguished based on citizenship.[65]

Inclusion in a territorially defined nation is no longer the only basis for the pursuit of rights.

Anyone, native to a country or not, can claim their entitlement to human rights regardless of

citizenship status or country of birth. Sassen writes that such a development "impinge[s] on the

principle of nation-based citizenship and the boundaries of the nation."[66] International human

rights limit the state's capacity to govern immigration; one example of this is the International

Convention on the protection of the rights of all migrant workers and members of their family,

adopted by the United Nations General Assembly in 1990, which forces all states to respect and

protect the rights of migrant workers and their families.[67] Sassen notes that developments such as

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[63] Sassen, "Immigration Policy in a Global Economy," 2.
[64] Sassen, "Immigration Policy in a Global Economy," 16.
[65] Sassen, *Losing Control?: Sovereignty in an Age of Globalization*, 74.
[66] Sassen, *Losing Control?: Sovereignty in an Age of Globalization*, 74.
[67] Sassen, "Immigration Policy in a Global Economy," 8.

this convention "redefine notions of nationality and membership"[68] because states are forced,

via international agreements and laws, to treat all people with dignity and respect, regardless of

citizenship status. Under international human rights law, nation-states have to take account of

persons qua persons, rather than *persons qua citizens*. Sassen adds:

> The concept of nationality is being partly displaced from a principle that reinforces state
> sovereignty and self-determination (through the state's right/power to define its
> nationals), to a concept which emphasizes that the state is accountable to all its residents
> on the basis of international human rights law…International law still protects state
> sovereignty and has in the state its main subject; but it is no longer the case that the state
> is the only such object...Self-determination is no longer enough to legitimate a state;
> respect for international human rights codes is also a factor.[69]

Consequently, if states do not follow the growing norm of international human rights, their

legitimacy may be eroded. Thus, human rights laws are a force that can possibly undercut the

monopoly on authority that the state has over its citizens, thereby challenging state sovereignty

and even devaluing citizenship as a guarantor of rights, as well as transforming interstate

relations and the international legal system.[70] This erosion and displacement of sovereignty has

consequences for another important aspect of the immigration debate: citizenship.

SECTION 2: CITIZENSHIP

Citizenship is often viewed as a static, self-explanatory term. However, it has a rather

expansive definition, and, increasingly, a meaning that is challenged by processes of

globalization. Therefore, an outline of what citizenship generally encompasses is necessary

before a discussion of how that definition has changed. Citizenship has traditionally been

understood as membership in both a political and geographic community, and has four associated

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[68] Sassen, *Globalization and Its Discontents*, 97.
[69] Sassen, *Globalization and Its Discontents*, 97
[70] Sassen, *Losing Control?: Sovereignty in an Age of Globalization*, 74.

dimensions: legal status, rights, political participation, and a sense of belonging. According to

Sassen, these dimensions can "complement or stand in tension with each other"[71] Legal status is

generally the most common interpretation of citizenship: formal legal status in a geographic and

political space. Most notably, this formal legal status is associated with specific rights, benefits,

and duties. The "rights" components of citizenship refers to both the entitlement to and the

enjoyment of rights; these rights include social, political, and civil rights. Political participation

is understood as one's capacity to take part in the political process. And, finally, the sense of

belonging refers to one's emotional connection to their community.[72] According to Bloemraad,

Korteweg, and Yurdakul, the rights aspect of citizenship is more easily tied back to formal status

because "the state guarantees basic rights to individuals, while the individual has the obligation

to pay taxes, complete compulsory education, and obey the laws of the country."[73] However, in

the context of globalization, these understandings of citizenship are being increasingly

challenged.

2.1 Citizenship, Inclusion, and Outsiders

Often citizenship is viewed as a phenomenon that has been gradually more inclusive over

generations. However, McNevin points to Engin Isin's book *Being Political*, which challenges

this viewpoint. Isin rejects this idea because it ignores "those aspects of citizenship which are

based on the necessary exclusion of non-citizens."[74] According to Isin, such a sanitized and

simplistic view of citizenship "fails to account for those immanent others inside the polity whose

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[71] Bloemraad, Korteweg, and Yurdakul, 155.
[72] Rose Cuison Villazor, ""Sanctuary Cities" and Local Citizenship," *Fordham Urban Law Review* 37 (April 2010): 580.
[73] Bloemraad, Korteweg, and Yurdakul, 156.
[74] McNevin, 133.

relative denial of status helped to create the particular kind of privilege accorded to full citizens."[75] Isin's "immanent outsider" refers to those people who are physically living and working inside a polity but are viewed and treated as outsiders. The citizen/insider, with all his/her rights and privileges, is only possible by the marking of the outsider/non-citizen.[76] McNevin adds:

> Citizenship is the result of processes whereby 'certain groups…constitute…themselves as capable of being political, in the sense of being endowed with the capacity to be governed by and govern other citizens and being differentiated from strangers and outsiders'… Privilege and marginalization are determined accordingly not because of what one does or what one believes, but on a 'common sense' basis, on account of who one 'is.'"[77]

Such views of citizenship call into question whether outsiders can ever be politically incorporated into a polity because their existence is necessary for the construction of a citizen. If everyone is a citizen, or if everyone gets the rights that a citizen does, citizenship will certainly lose some of its meaning and importance.

Undocumented immigrants fit into Isin's description of an "immanent outsider." They have increasingly tested the boundaries and meaning of citizenship. In fact, Bloemraad, Korteweg, and Yurdakul write, "The presence and activities of migrants have led some scholars to call into question the relevance of a single, state-centered notion of citizenship, instead conceptualizing citizenship beyond or across borders."[78] In the modern era, there are increasingly more ways to categorize citizenship, such as "postnational" and "transnational" citizenship. A "postnational" citizenship *surpasses* borders, whereas citizenship *across* borders—or "transnational" citizenship—involves legal citizenship in the form of dual citizenship.[79]

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[75] McNevin, 133.
[76] McNevin, 133.
[77] McNevin, 133.
[78] Bloemraad, Korteweg, and Yurdakul, 154.
[79] Bloemraad, Korteweg, and Yurdakul, 154.

Postnationalists point to supranational organizations and human rights regimes that challenge nation-based citizenship, whereas transnationalists point to the possibility of multiple memberships in states, which creates "deterritorialized" citizenship exceeding geographic polities.[80] It is processes of the modern era—namely, globalization—that have led to these new outlooks on citizenship.

2.2 Citizenship, Globalization, Sovereignty, and Migration

As discussed in the first section of this essay, the United States, among other states, has contributed to the spread of processes of globalization. They have not been neutral actors in this process. States have shifted their focus from defense of their citizens to incorporation into the global economy. States have promoted processes of globalization—especially deregulation and liberalization—which have created a situation where physical spaces and the workforces that occupy them are increasingly under the authority of private actors, not the state. McNevin points out that "rather than a loss of sovereignty per se, the shift refers to a spatial reconfiguration of sovereign practices that destabilizes naturalized assumptions about political belonging."[81] Thus, states have not lost their control as much as delegated it to other entities; however, this transition of power does not correspond to a territorial or nation-based one that people are used to.[82] As a consequence, there are now multiple ways to belong to a polity and thus, ideas of insiders and outsiders are now being constructed in new ways. This transition has, McNevin writes, "disrupt[ed] the integrity of the framework of belonging based on a fixed relationship between

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[80] Bloemraad, Korteweg, and Yurdakul, 166.
[81] McNevin, 132.
[82] McNevin, 135.

state, citizen and territory."[83] Although the state has contributed to this transition, in reality most states are not in favor of relinquishing any aspect of their power. So, at the same time, the state also imposes other demonstrations of sovereignty that gives meaning to its territorial borders.[84] An example of such a sovereign practice is the upscale of border policing. Although this practice has been "spectacularly unsuccessful" in preventing the presence of undocumented migrants in the U.S., it has served to create an "image of control."[85] McNevin notes that this practice shows loyalty to the country and its citizens, and offers some comfort to citizens that they are being protected against outsiders and any associated threats.[86] Border policing can be seen as the ultimate example of state sovereignty, demonstrating that the state wields supreme control over processes such as migration.

Despite this "image of control" and associated political actions that condemn undocumented immigration, the state is cognizant of the fact that it needs the cheap labor that undocumented immigrants offers in order to thrive within the globalized economy. As the state has promoted globalization, especially economic globalization, it has created a need for cheap, undocumented labor as well as facilitated the entry of undocumented migrants into the country to fulfill this need. Thus, despite searing political discourse surrounding immigration and stringent immigration laws, McNevin writes that undocumented migrants have become "economically and socially integrated into locales which have developed a dependence upon their labour."[87] Undocumented migrants become what Ngai (2004) calls "impossible subjects" because their "inclusion in the nation is a social and economic reality, while at the same time being a legal

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[83] McNevin, 135.
[84] McNevin, 135.
[85] McNevin, 137.
[86] McNevin, 136.
[87] McNevin, 136.

impossibility."[88] Undocumented migrants are surveilled as outsiders, although they are, for all intents and purposes, insiders because of their physical, economic, and social incorporation into communities vis-à-vis the informal labor markets generated by economic globalization. Importantly, they are denied the coveted status of insiders because they are denied citizenship.[89] In this way, the state is still very powerful: despite facilitating the incorporation of migrants into its political and economic communities, it still has the power to deny them citizenship and consequently, force migrants to live insecure and precarious lives.

2.3 Responses of Natives

The responses of natives to undocumented migrants are as important as the state's response in many ways. Many natives do not appreciate the flows of migrants that globalization has expedited. In terms of citizenship, Thomas points out that natives often view immigration, especially undocumented migration, as "cheapening the quality of traditional citizenship among natives."[90] Along those same lines, they fear that citizenship will no longer be the qualifier to receive rights if undocumented migrants can have access to the same privileges that citizens have.[91] In this way, natives see undocumented migration as a dilution of the importance of citizenship, and thus the dilution of their valued identity as Americans.[92] Thomas adds that "globalization has broadly changed the concept of citizenship and belonging in fundamental ways, both for the citizen and noncitizens…the rights and freedoms that used to inure in the

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[88] Ridgley, 58.
[89] McNevin, 132.
[90] Thomas, 1400.
[91] Sassen, *Losing Control?: Sovereignty in an Age of Globalization*, 64.
[92] Sassen, *Losing Control?: Sovereignty in an Age of Globalization*, 77.

citizenship concept have diminished to a degree."[93] The response of natives to migrants, especially undocumented migrants, is important because it influences how politicians shape immigration policy as well as how they react to phenomena such as sanctuary cities.

2.4 Citizenship and Physical Space

As the construction of citizenship has changed due to globalizing processes, it is increasingly important to look at the new sites of citizenship. McNevin notes that undocumented immigration is "deeply implicated" in changing ideas of citizenship because, historically, "belonging has been linked to a fixed relationship between state, citizen, and territory."[94] McNevin writes that undocumented migration is only possible "with reference to the state and its citizens as bounded and territorialized identities."[95] She further adds that "if the spatial basis of political community were to be constructed and naturalized in terms other than territorial ones, then our understanding of citizens and outsiders, irregular migrants amongst them, would necessarily be cast in different terms as well."[96] So, undocumented migrants might not be labeled as such if the concept of citizenship was reconfigured. But, since citizenship has been constructed in connection to a specific territory and a specific polity, space is important to consider when studying citizenship. Traditional conceptions of citizenship locate it within a nation-state, and this connects citizenship most closely to the definition of citizenship as formal status. In reality, this is the only dimension of citizenship that is granted national and international legitimacy. However, forms of citizenship have been created within sub-federal borders as well: namely, at the local level. The city is noted by Isin as an especially significant

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[93] Thomas, 1401.
[94] McNevin, 132.
[95] McNevin, 132.
[96] McNevin, 132.

space where citizenship gains form: "the city is the battleground *through which* groups define their identity, stake their claims, wage their battles, and articulate citizenship rights, obligations, and principles."[97] Importantly, the city is a site where local citizenship has emerged. Local citizenship is important to citizenship's connection to a territory because it is still situating citizenship in reference to a specific space. But, in this case it is a local and not a national space. Local citizenship is unique because it is determined by physical residency, unlike national citizenship which is obtained by birth or naturalization.[98] Further, local citizenship can be viewed as perhaps superior to national citizenship because it is the local level of government that has the most immediate effects on people's everyday lives.[99] Local citizenship is a fairly new and unique phenomenon, still without a clear definition; however, it is only through the understanding of local citizenship that the phenomenon of sanctuary cities can be examined.

Section 3: Sanctuary Cities

Sanctuary cities are a recent U.S. phenomenon. They can be understood as a reaction to the contradictions between, on the one hand, the globalizing forces promoted by the United States that have caused substantial flows of migrants into the country and, on the other hand, the strict immigration policies enacted by U.S. policymakers that limit the ability for migrants to safely and legally enter and reside in the country.

Sanctuary cities first developed in the 1980s via religious groups who wanted to provide sanctuary to undocumented immigrants and refugees, mainly from Central America, who were escaping political upheaval in their home countries. These migrants needed sanctuary because

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[97] Engin F. Isin, *Being Political: Genealogies of Citizenship* (Minneapolis, MN: University of Minnesota Press, 2002).
[98] Villazor, 581.
[99] Villazor, 581.

the U.S. federal government's Immigration and Naturalization Services' had turned down the majority of refugee applications at the time—in spite of the enactment of the Refugees Act of 1980.[100] Ridgley describes this sanctuary movement as "a mechanism for city governments to limit the use of local resources, particularly those related to policing, to support the enforcement activities of the INS, and to challenge the federal government for its failure to uphold its domestic and international legal obligations."[101] In this way, the original sanctuary city movement had a transnational awareness and an understanding of how the U.S's involvement in other countries, and in global processes, was connected to migration into the United States. This period of time, under these circumstances, is when the modern-day sanctuary movement in the United States was born.

"Sanctuary city" has no legal definition yet. According to Brady, the term generally "refer[s] to jurisdictions that do not fully cooperate with immigration agencies, most commonly by refusing to honor ICE[102] detainers or notification requests."[103] Bilke lays out the diverse ways different sanctuary cities handle migration: "The substantive provisions of sanctuary policies are categorized as: (1) no discrimination based on [immigration] status; (2) no enforcement of [federal] immigration laws; (3) no enforcement of civil [federal] immigration laws; (4) no inquiry about [immigration] status; and (5) no notification of federal immigration authorities.'"[104] Every sanctuary city operates somewhat differently and cooperates with federal immigration enforcement agencies to varying degrees. Because of this, it is unclear how much

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[100]Corrie Bilke, "Divided We Stand, United We Fall: A Public Policy Analysis of Sanctuary Cities' Role in the 'Illegal Immigration' Debate," *Indiana Law Review* 42 (2009): 179.
[101]Ridgley, 66.
[102] ICE refers to Immigration and Customs Enforcement, which is involved in border patrol and federal immigration enforcement.
[103]Katlyn Brady, "Sanctuary Cities and the Demise of the Secure Communities Program," *Texas Hispanic Journal of Law and Policy* 23 (Spring 2017): 21.
[104] Bilke, 180.

protection a given sanctuary city offers to migrants. Some cities simply have a "don't ask, don't tell" policy, while others actively shelter migrants from the more rigid aspects of federal immigration law.

The development of sanctuary cities was aided, in part, by the fact that neither the courts nor Congress have plainly articulated what role states have in enforcement of federal immigration law.[105] Since 9/11, the federal government has increasingly requested the help of state and local authorities in the enforcement of federal immigration law. Many states readily acquiesced to this request; others, however, adopted "sanctuary" and "noncooperation" policies.[106] Ridgley points out that by adopting these policies, states and localities have become important contributors to "more progressive projects that challenge the law-and-order approach to migration as well as restrictive definitions of national belonging being advanced at the federal level," because "local politics surrounding immigration can have broader impacts on the way that the boundaries of the U.S. nation-state are produced and policed at other scales."[107] So, by developing sanctuary policies, localities are contributing to changing notions of belonging and citizenship, as well as challenging traditional approaches to immigration policy. As immigration has become more securitized, it has become increasingly assumed that local authorities must play a role in federal immigration enforcement. But this involvement is not inevitable nor required, as various sanctuary cities have shown in recent years.[108]

3.1 Sanctuary Cities and State Sovereignty

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[105] Bilke, 178.
[106] Bilke, 165.
[107] Ridgley, 58.
[108] Ridgley, 65.

Sanctuary cities are linked to changing concepts of state sovereignty as well as how membership and belonging (i.e. citizenship) is defined. McBride writes that "sanctuary is ultimately a spatial designation" because it "relies on the designation of a space as holy, consecrated, and separate where normal laws are suspended."[109] Further, McBride adds that sanctuary cities invoke "an alternative set of values that is held in higher regard than national law and authority."[110] The development of sanctuary cities involves outlining a geographic location in which the standard understanding of federal immigration law is not abided by and thus can be seen as a threat to the U.S.'s sovereignty. Any threats to state sovereignty are seen as threats to the viability and existence of the state. Sanctuary cities are viewed in this same way: as a threat to state sovereignty as well as a threat to law and order and to the safety of the country. Consequentially, much like border policing is used to project an image of control, the backlash against sanctuary cities, especially by the Trump administration and the Department of Justice, can also be seen as a tactic to exert control over borders and national sovereignty.

3.2 Opposition to Sanctuary Cities

Sanctuary cities have confronted their fair share of opposition over their several decades of existence. This has occurred at personal and local levels for years, but in 2008 opposition was intensified when the federal government took aim at dismantling sanctuary cities. Then-president George W. Bush and his administration passed through the Secure Communities program (known as S-Comm). This represented one of the first major breakdowns in the traditional

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[109] Keally McBride, "Sanctuary San Francisco: Recent Developments in Local Sovereignty and Spatial Politics," *Theory and Event* 12, no. 4 (2009).
[110] McBride, 2009.

division between immigration law enforcement and criminal law enforcement.[111]The program was marketed by the Bush administration as an effort to increase public safety by emphasizing the identification and deportation of undocumented immigrants with criminal records.[112] Despite this seemingly reasonable goal, S-Comm activities did not play out in this judicial, organized fashion. There are a few reasons for this. Firstly, most local law enforcement authorities traditionally did not inquire about the citizenship status of those arrested, mainly due to the complexity of the immigration system and their inability to determine which detainees are subject to deportation.[113] Additionally, S-Comm was portrayed as an optional program for states and municipalities to implement, but it soon became apparent that the federal government expected implementation of the program by all states. Very quickly, local authorities were responsible for enforcing immigration law, a subject that most were not trained in or very knowledgeable about.[114] Immigration and Customs Enforcement (ICE) responded to this complaint with the assertion that local law authorities do not enforce immigration laws or hold more duties under this program, and instead, as Ray notes, "only federal officers make immigration decisions, and they do so only after a completely independent decision by state and local law enforcement to arrest an individual for a criminal violation of state law."[115] However, it has been shown that not all municipalities find this distinction and separation of duties to be so clear.

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[111] Rachel R. Ray, "Insecure Communities: Examining Local Participation in US Immigration and Customs Enforcement's "Secure Communities" Program," *Seattle Journal for Social Justice* 10 (Fall 2011): 330.
[112] Ray, 333.
[113] Brady, 25.
[114] Brady, 27.
[115] Ray, 359.

Other problems that pervaded S-Comm included the threat against the civil rights of migrants as well as the issue of safety in immigrant communities. Brady writes that federal officials have argued that "technology acts as a check on any potential police prejudice" because once a person is arrested, their fingertips are taken regardless of race or ethnicity in order to determine their citizenship status.[116] But critics of the program claimed that S-Comm resulted in the deportation of migrants for minor offenses, the deportation of crime victims, and the separation of families. The program additionally discouraged victims from reporting crimes to the police because they worried about their removal from the country as a result of talking to law enforcement.[117]

For all these reasons, in November 2014 the Obama Administration announced the end of the Secure Communities Program, and the replacement of it with the Priority Enforcement Program (PEP).[118] PEP offered a couple of changes: the government no longer told municipalities to hold people who had not been convicted of a major crime, and the program also created the division of migrants into three priority groups for deportation. Priority One group included those individuals who presented threats to public safety, border security, and national security; the focus of deportation was on this group. However, PEP did not restrict deportation to solely this group: ultimately, discretion about who to deport was left to local law authorities.[119] PEP suffered from many of the same problems as S-Comm did, mainly because enforcement and detention was left to the discretion of various officials throughout the country who could

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[116] Brady, 27.
[117] Brady, 27.
[118] Brady, 31.
[119] Brady, 43.

ultimately target whoever they wanted to.[120] President Trump dissolved PEP and reinstated the

Secure Communities Program shortly after he was inaugurated into the presidency in 2017.[121]

Not all municipalities willingly accepted the call to enforce federal immigration law via

S-Comm and PEP. When federal courts clarified that S-Comm was not a mandatory program,

Illinois and New York became the first two states to refuse to participate in this program.[122]

Immigrant advocacy networks also fought against S-Comm, and later against aspects of PEP.

Critiques of these programs have ranged from making alterations to the programs to completely

eradicating such programs. By making suggestions and voicing criticism to these programs,

Strunk writes that these states and advocacy groups "promote[d] and enact[ed] alternative

imaginaries/understandings of community."[123] In this way, sanctuary cities illustrate the identity

politics within the U.S. between those who support flexible borders, immigration, and sanctuary

cities, and those who want closed borders, substantially less immigration, and no sanctuary

cities. Therefore, sanctuary cities show the divide between those who recognize the U.S.'s role in

globalization, particularly the U.S.'s role in spawning international migration into the country,

and those who perceive globalization as an external force that can be kept out of the country via

closed borders. Therefore, sanctuary cities are highly political and controversial spaces within

the United States.

3.3 Sanctuary City Close-Up: San Francisco

One of the most well-known examples of a sanctuary city is San Francisco, which joined

the sanctuary movement in the 1980s as a response to the plight of Central American refugees

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[120] Brady, 44.
[121] Brady, 22.
[122] Brady, 37.
[123] Strunk and Leitner, 76.

and remains a sanctuary city today. These Latin American migrants were denied entry into the U.S. despite the fact that the right-wing governments the migrants were fleeing from were supported by the U.S. government under President Reagan. In 1985, then-Mayor Diane Feinstein designated San Francisco as a sanctuary city to Central American refugees specifically. In 1989, Feinstein extended sanctuary privileges to all immigrants under the City of Refugee Ordinance.[124] Ridgley notes that the ordinance articulated "an understanding of political membership and justice that extended beyond the borders of the United States and recognized American complicity in the intensification of forces that induced people to emigrate."[125] Viewpoints that supported and fostered sanctuary cities stood in stark opposition to those who situated migration next to criminalization, and those that viewed migrants as outsiders and law-breakers to whom the country had no obligations. San Francisco felt the country had an obligation to these migrants; because federal immigration laws did not reflect this responsibility, San Francisco took on the responsibility and thus, advocated for an alternative understanding of political membership and belonging. This activism continued into the twenty-first century, even under increasingly strict and discriminatory immigration policy. For example, in 2007 San Francisco approved the decision to give municipal identification cards to all residents, regardless of immigration status. Such cards allowed for people to have access to banks, drivers' licenses, and even border crossings. This momentous decision was based on the locality's belief that anyone who did not have some form of identification could not participate in civic life, and thus became ostracized from the community.[126] San Francisco's decision to give migrants

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[124] McBride, "Sanctuary San Francisco."
[125] Ridgley, 70.
[126] McBride, "Sanctuary San Francisco.".

identification cards and allow their inclusion into the community can be seen as fitting new,

alternative understandings of citizenship and belonging.

San Francisco's status as a sanctuary city has not gone without threats to its viability, and

the city continues to be under varying levels of duress. For example, in early 2017 the Trump

administration attempted to withhold funding to local governments with sanctuary policies. In

April 2017, a judge in San Francisco barred federal agencies from complying with Trump's

orders.[127] The Justice Department appealed the ruling in September 2017, but in November 2017

a federal judge in San Francisco permanently blocked Trump's attempts to deny funding to

"uncooperative localities." However, the Justice Department continued to issue similar threats to

numerous other localities with sanctuary policies in Mississippi, Kentucky, Florida, New

Mexico, Washington state, and Massachusetts.[128] So, it is clear that the Trump administration

and the Department of Justice are not going to stop their crusade against sanctuary cities anytime

soon.

Conclusion

Modern day sanctuary cities are largely a result of the processes of globalization that the

United States has pursued and promoted in the international arena. Globalization has integrated

many different states into a central global economy, and this global economy has produced

wealth, but this has often come at the expense of U.S. natives (among others). Manufacturing

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[127] Carlos Ballesteros, "Trump and Jeff Sessions Are Going After More Sanctuary Cities," *Newsweek*, November 15, 2017. http://www.newsweek.com/sanctuary-cities-trump-sessions-department-justice-712965.

[128] "Jeff Sessions Keeps Waging His Failing War Against Sanctuary Cities." *The Washington Post*, November 21, 2017. https://www.washingtonpost.com/opinions/jeff-sessions-keeps-waging-his-failing-war-against-sanctuary-cities/2017/11/21/00add736-ce2d-11e7-81bc-c55a220c8cbe_story.html?utm_term=.073c59b2e17f.

jobs, among others, do not exist in the country anymore because they have been directed to industrializing nations where there are cheaper labor forces and laxer regulations. Instead, there is an abundance of low-wage service jobs available which offer little security to workers. Through these processes of globalization, natives of industrializing countries, employed by Western corporations, have experienced a degree of Westernization, and so the physical distance from their own country to the U.S., as well as the cultural differences between the countries, are perceived as less important. As a result, immigrants have moved to the U.S. to take the low-wage service jobs available to them; although U.S. natives see these service jobs as insufficient, immigrants are able to make more than they do in their home countries and also perceive opportunities for economic mobility. However, the presence of immigrants creates the feeling among natives that their jobs and their economic prosperity are being stolen, and this tension fosters a vicious identity politics that divides "citizens" against racialized "Others." This perception of immigration, aided by government rhetoric that espouses support for state sovereignty, tight security, and border control, involves a misunderstanding about the causes of international migration and globalization, as well as how the U.S. has contributed to these processes.

As the U.S. has contributed to processes of globalization, these processes created some unwanted, unforeseen consequences for the state. Namely, they have eroded traditional understandings of state security, state sovereignty, and citizenship. Despite these changes, or perhaps because of them, the U.S. has insisted on maintaining strict immigration policies and securitized border patrol. This has created a situation where cheap labor is needed and largely accepted in the country because of economic globalization, but the cheap laborers—undocumented migrants—are legally unacceptable. Consequently, migrants are positioned as

"illegal aliens" and criminals and are increasingly insecure in their daily lives, thanks, in part, to programs like S-COMM and PEP.

Ironically, the changes that globalization created have fostered a unique situation that allowed for sanctuary cities to emerge: as globalization has directed international migration to the U.S., it has also changed traditional understandings of state sovereignty and of citizenship. With these new understandings, the possibility of "local citizenship" has emerged, and undocumented immigrants have been able to integrate into specific U.S. communities, if not into the country as a whole. Sanctuary cities are supported and promoted by those who understand the U.S.'s transnational role in spreading globalization and thus, understand that the U.S. has some responsibility to migrants. However, sanctuary cities face unrelenting opposition from a substantial portion of natives as well as from the federal government under Donald Trump, who see globalization as an outside force and international migration as an unwanted intrusion that can be abetted with closed borders, resulting in a mythical homogenous and pure American community. Therefore, sanctuary cities are both a result of and manifestation of the changes and tensions that globalization has brought to the country, resulting in the politicization of these sites.

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