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Sanctuary: A Movement Redefined

Immigrant rights activists draw on the legacies of the 1980s Sanctuary Movement to build a broad-based coalition defending communities of color.

Since Donald Trump's Electoral College victory in November 2016, the concept of "sanctuary" has garnered renewed national attention. Originally a faith-based concept used to describe the sheltering of an individual inside a house of worship when his/her safety or liberty was threatened, the term gained its contemporary significance from the Sanctuary Movement of the 1980s. Primarily concentrated in Arizona, Texas, and California, but also stretching to Chicago and the U.S. Northeast and Northwest, the Sanctuary Movement involved both the clandestine movement of Central Americans across the U.S.-Mexico border and throughout the United States as well as the housing of refugees inside U.S. churches.

That movement of three decades ago sought to meet the immediate humanitarian needs of Central Americans who fled the violence that had erupted in the region. It also waged a broader challenge to U.S. policy, including the Reagan administration's Cold War support for foreign interventions, its financing of reactionary movements in El Salvador, Nicaragua, and Guatemala, and unjust immigration and refugee policies at home. In line with international human rights frameworks, the United States may grant asylum to individuals who have fled across the border with a credible fear that they will be persecuted if they return to their home countries. However, during the 1980s, the U.S. often granted political asylum only to people fleeing countries not ideologically aligned with their Cold War interests. Because many of those seeking refuge in the United States from Central America were persecuted by U.S.-backed, right-wing regimes, the U.S. largely refused to grant them asylum. In 1983, for example, the U.S. gave approval to 71 percent of Iranians who applied for asylum following the anti-Western Iranian Cultural Revolution. That same year, the U.S. approved

only 2.5 percent of Salvadorans' asylum applications. Those with rejected asylum cases faced deportation, and thus a return to persecution.

In response, sanctuary activists began declaring churches spaces in which Central American refugees would be sheltered from immigration officials. In March 1981, the Southside Presbyterian Church in Tucson, Arizona, became the first congregation of the movement to publicly declare itself as such a site. By 1984, however, federal authorities began infiltrating the growing movement. Jesus Cruz, a U.S. government informant, attended religious services and organizing meetings, and used an audio recorder to document sanctuary organizers' activities. Within a year, law enforcement had arrested 16 activists for their participation in the Sanctuary Movement, based on Cruz's surveillance. On trial, some of the activists used a First Amendment freedom of religion defense, contending that their religious beliefs compelled them to offer aid to people in need. Jack Elder, one of the activists convicted for his sanctuary work in Texas, explained this commitment in Robert Tomsho's 1987 book, *The American Sanctuary Movement*: "I am proud to be able to live my life in a way that allows my own alleged illegal action to illuminate our nation's shameful policies. Let no one claim, as did many Germans under Hitler, 'We didn't know.'"

Criminalizing Communities of Color

In the Trump era, activists are once again proclaiming various institutional spaces—from college campuses to entire cities—sites of sanctuary. But more recently, organizers have begun to adapt the term to refer to a broad range of protections for all communities facing police violence, criminalization, and discrimination. In other words, while sanctuary activists in the 1980s built their movement to protest a U.S.-funded war abroad,



Mijente activists and organizers from across the U.S., led by local community organizers including Juntos, rally outside City Hall in Philadelphia on March 2, 2017. The rally was followed by a march past Arch Street United Methodist church where Javier Flores García has sought sanctuary protection from ICE. Their message to “Defy Trump, Defend Philly, & Expand Sanctuary” included demands to end all policing policies that profile Black, Brown, and/or Muslim community members. STEVE PAVEY | HOPE IN FOCUS

today’s revitalized Sanctuary Movement is now focusing on the internal war of criminalization being waged on both U.S. immigrant communities and communities of color, more generally.

Around the country in recent years, communities have risen up to protest police shootings of unarmed Black men, women, and children. Activists contend that the roots of the current law enforcement crisis can be traced to the 1990s, when lawmakers massively expanded policing, incarceration, and deportation in a racially-charged, “law and order” response to a spike in crime and the hysteria around the perceived crack epidemic. In 1994, Congress passed the Violent Crime and Law Enforcement Act, allocating nearly \$10 billion USD to building prisons and adding 100,000 new police officers to streets around the country. This policy exacerbated the so-called “war on drugs,” sparking a crisis of mass incarceration that reverberates still today. Between 1990 and 2000, the

prison population more than doubled, peaking at about 1.5 million inmates in 2006.

Additionally, activists have protested police departments’ adoption of new, discriminatory law enforcement tactics. The most prominent such strategy has been “broken windows policing,” which focuses police efforts on curbing minor “quality of life” offenses that do not threaten public safety but which, the policy’s backers say, disrupt “public order.” To that end, police in many major cities have increasingly targeted people for petty offenses like public intoxication and possession of small amounts of marijuana. According to broken windows’ proponents, addressing small-scale infractions takes people who would later commit more serious offenses off the streets. However, as a 2016 study by the New York City Police Department’s own Office of the Inspector General showed, broken windows policing likely had no effect on felony rates between 2010 and 2015.

Broken windows policing has led to an increase in racial profiling. In 2016, misdemeanor arrests made up two-thirds of all arrests in New York City, with 86.5 percent of those arrests targeting people of color. Nationally, Black people are currently 2.5 times more likely than white people to be arrested for drug possession. According to *The State of Black Immigrants*, a 2015 report authored by the Black Alliance for Just Immigration (BAJI) and the New York University School of Law Immigrant Rights clinic, “These disparities exist even when crime rates are the same.” As BAJI/ NYU study notes, “Although Blacks and whites use marijuana at roughly equal rates, Black people are 3.7 times more likely than whites to be arrested for marijuana possession.”

Often ignored is the fact that broken windows policies were adopted hand-in-hand with hardline immigration policies. One year after the 1995 Oklahoma City bombing (an attack that, notably, was carried out by a white nationalist, Timothy McVeigh) provoked concerns about immigrants as a threat to U.S. national security, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). The 1996 law built upon the Immigration Reform and Control Act (IRCA), passed one decade earlier, and greatly increased the range of criminal offenses, termed “aggravated felonies,” that would result in the deportation of non-citizens. As the aforementioned BAJI/NYU report explains, “The term ‘aggravated felony’ includes offenses that are neither aggravated nor felonies” and can encompass “a single theft offense with a suspended one-year sentence involving no actual jail time.” Furthermore, IIRIRA was retroactive, which meant that many legal permanent residents, or green card holders, convicted of crimes—even decades prior—were now deportable. IIRIRA also removed much of the discretion available to immigration judges to grant relief on a case-by-case basis, and instead made deportation and detention mandatory in many cases.

Today, much of the rhetoric around deportation focuses on immigrants with criminal convictions. While Obama increased enforcement for people who had previous encounters with law enforcement, Trump’s executive orders have vastly expanded priorities for

deportability. A January 25, 2017 executive order mandates that the Department of Homeland Security deport “removable aliens” who, among others, “have committed acts that constitute a chargeable criminal offense.” On its face, this provision includes anyone undocumented who has committed an offense—even if never charged or convicted—and makes them priorities of the U.S. deportation regime. For example, blocking a sidewalk while intoxicated can amount to a crime in most states. In light of Trump’s order, that means any undocumented person who has ever gone out drinking and stopped to talk to a friend on the sidewalk has likely committed an act that constitutes “a chargeable criminal offense.” If the administration were to enforce the order to the widest extent possible, the vagueness of its wording, together with the broad range of activity that is currently criminalized, would have sweeping consequences across immigrant communities.

These new provisions will likely target certain immigrants for detention and deportation over others. As a result of over-policing and racial profiling,

Often ignored is the fact that broken windows policies were adopted hand-in-hand with hardline immigration policies.

communities of color, particularly Black immigrants, are most likely to be deported based on the increased harassment and scrutiny they already receive from law enforcement under broken windows-style policing strategies. The 2015 BAJI/NYU report documents this direct connection between criminalization and the immigration deportation and detention systems by showing how Black immigrants are disproportionately targeted for immigration enforcement activities. Although Black immigrants only make up 7.2 percent of the non-citizen population in the United States, they are also disproportionately targeted for deportation, representing more than one out of five people who face deportation based on criminal history.

Of course, Latinxs are also targeted at higher rates than whites. According to the ACLU’s 2010 stop-and-frisk statistics for New York City, Latinxs were three times more likely to be stopped and searched than white people, despite the fact that less than a third of

New Yorkers identify as Latinx. (Black people were five times more likely to be targeted than whites.) In the present context in which law enforcement officials have increased latitude to make arrests, there is no doubt that disproportionate contact with law enforcement for communities of color increases the likelihood that members of such communities will be charged with a crime, and thus face potential deportation proceedings.

Sanctuary Today

In order to bring attention to how the violence in El Salvador during the 1980s was connected to the situation of Salvadoran immigrants in the United States, many sanctuary and solidarity activists focused on Central Americans' identities as refugees. Susan Bibler Coutin, a professor of criminology, law, and society at

the University of California, Irvine, conducted fieldwork with sanctuary activists in California in the 1980s that underscored this point. She and collaborator Hector Perla describe the decision to focus on the refugee identity of any Central Americans entering the U.S. in the 1980s as one of "framing." The Sanctuary Movement sought to put a human face on the tragedy to evoke empathy in the United States, she says. Ultimately, the goal was to put pressure on the U.S. government to respond to the needs of those being forced out of a war-torn region.

This choice in some ways created a tension in the movement. Because people seeking asylum were, by definition, facing persecution, they were often discouraged from being—or chose not to be—the voice of the movement. At times, this created an unequal



Supporters of Ramesh Palaniandi, a member of the New Sanctuary Coalition who was detained on March 9, 2017, after a major advocacy campaign, take to the streets in Richmond Hill Neighborhood in Queens for a "Release Ramesh" Rally to demand his immediate release from detention. Palaniandi was released a few weeks later. ANDRÉ DAUGHTRY

relationship, in which U.S. activists acted on behalf of Salvadorans in a potentially patronizing way. As Coutin and Perla explain in a 2009 article about the origins of the Sanctuary Movement, “This framing constrained Central American immigrant activists’ ability to publicly identify as political protagonists or take credit for devising joint strategies for social and political change.” What’s more, it also created a divide between those who were cast as “deserving” of being allowed to stay in the United States and those who were coded as being somehow “undeserving.”

This challenge of framing and the question of deservingness has persisted in the contemporary immigrant rights movement, especially as the U.S. government has sought to target immigrants with criminal convictions. As former President Obama said in his announcement

of his executive action for parents of American citizens: “We’re going to keep focusing enforcement resources on actual threats to our security. Felons, not families. Criminals, not children.” This language echoes much of the rhetoric of the 1980s. Indeed, much of the messaging around the large immigration rallies that brought hundreds of thousands out to the streets in 2006 centered around the “good immigrant/bad immigrant” framing, including signs that read “I am not a criminal.”

Carl Lipscombe, the Deputy Director of BAJI, explained that the divisive narrative of good-immigrant/bad-immigrant throws immigrants with criminal convictions “under the bus.” “Every time there is battle for comprehensive immigration reform, the movement really doesn’t go out on limb for



Family members of Ramesh Palaniandi and activists of the New Sanctuary Coalition hold flyers at an interfaith rally in support of Palaniandi, an individual who represents the disproportionate and yet under reported reality of impacted persons of color under current immigration policies. ANDRÉ DAUGHTRY

immigrants that may have had some sort of criminal contact,” Lipscombe told me in an interview. “I think this has really hurt the immigrants’ rights movement. Just because one has some sort of criminal contact does not make them unworthy of living with freedom and dignity in the U.S.”

Reverend Juan Carlos Ruiz, one of the original founders of the New Sanctuary Movement, which formed in 2006, expressed a similar critique of the movement in an interview with the author. “When we are proclaiming sanctuaries, it should be an admonition against even us. When [Trump] was elected, my first instinct was, how have I failed? What kind of work have we been doing that allowed this to happen?” Ruiz said. “It’s in our backyard; it’s in our house. We should take a breath, and see what’s going on with our own institutions.” As he puts it, “it’s not just Trump. Trump is the tip of the iceberg. If we are going to have these shifts in our awareness, we really need to begin at home.” The contemporary Sanctuary Movement now faces the issue of broadening the idea of sanctuary to encompass the realities of systemic criminalization and in doing so, it is seeking to overcome the old divisions within the movement itself.

Sanctuary cities have been one focal point of these new efforts. The concept of “sanctuary city” dates to 1971, when the city of Berkeley announced that local law enforcement would stop cooperating with immigration officials, thus declaring itself a “city of refuge.” Many other municipalities followed suit; at present, some 600 jurisdictions around the country have adopted policies limiting cooperation between local law enforcement and Immigration and Customs Enforcement (ICE). One of the defining features of a sanctuary city is the refusal to comply with “detainer policies”—that is, an ICE request to hold apprehended individuals for an extra 48 hours so as to give ICE time to begin deportation proceedings.

But activists have claimed that refusing to comply with “detainer laws” does not go far enough to protect immigrants—and that, in and of themselves, such measures are not enough to proclaim a city a “sanctuary.” A New York-based organization, ICE-Free NYC, released a statement in March 2016, saying that “over-policing, surveillance, and criminalization of Black & Brown communities lead to arrests and fingerprint scans, which ICE routinely utilizes to track immigrants at their homes, at work, and in the courts.” According to the organization, “Even with detainer laws, NYPD collaborates with

ICE by sharing data and information of New Yorkers, which provides a structure and funnel to deportation.” Many activists also argue that so long as cities maintain aggressive police strategies, like broken windows, they cannot be considered a sanctuary for communities of color—immigrant and non-immigrant alike.

In Chicago, organizations like Organized Communities Against Deportation (OCAD), Black Youth Project (BYP), and the Chicago Religious Leadership Network on Latin America (CRLN) are expanding the meaning of sanctuary and pushing back against over-policing. Like many sanctuary cities, Chicago has a list of crimes that are exempt from detainer non-compliance policies, which means that they will continue to hold an arrested individual charged with such a crime at ICE’s request, rather than release them as they would a citizen. In Chicago, activists are trying to limit the number of detainer exceptions and have fought against the city’s gang databases, which is exempt from Chicago’s “welcoming cities” protections—a policy that limits the Chicago Police Department’s cooperation with ICE.

Cynthia Rodriguez is an organizer with the CRLN, an organization founded by an activist who did solidarity work in El Salvador during the 1980s. Today, the organization works to dismantle U.S.-backed militarization in Central America and partners with other Chicago-based organizations and people of faith to fight for marginalized communities in the United States by providing, among other things, physical sanctuary. As Rodriguez noted in an interview, the “gang database arbitrarily and subjectively includes people on a list that they have no way of knowing they are on. People end up being persecuted but they didn’t even know they were on this gang database. It is part of the system of racial profiling, racism, and policing in the city of Chicago.”

In New York, meanwhile, activists have looked to move beyond the limitations of the sanctuary city idea by organizing what is being called the Freedom Cities Movement. Responding to calls from members of the African American community, who feel that they warrant their own sanctuary from the threats of over-policing, Freedom Cities seeks to expand the concept of sanctuary by promoting the complete abolition of broken windows policing strategies and “stop-and-frisk” policies. The initiative has also endorsed worker and economic justice through strikes and boycotts to demand just working conditions and compensation. Finally, Freedom Cities organizers have sought to designate safe spaces for immigrants and communities of

color, including in restaurants, houses of worship, and community centers.

Other organizations around the country have also been building broad-based resistance to criminalization and the targeting of immigrant communities and communities of color. Chicago-based Mijente, Phoenix-based Puente, and the Georgia Latino Alliance for Human Rights released a publication in January 2017 entitled the “Community Defense Zone Starter Guide.” Drawing upon some of the organizations’ past work, the publication is a step-by-step guide to forging alliances to combat “racism, injustice, and criminalization.” Many of the strategies involve knocking on doors and building personal relationships with neighbors, businesses, and elected officials in vulnerable communities.

Sanctuary To What End?

Many of these same organizations that are expanding the meaning of sanctuary are also adapting the tactic of traditional, faith-based physical sanctuary to meet the new challenges. No longer solely focused on external forces, like U.S. foreign policy and U.S. immigration policy, the movement has consciousness-raising around issues of increased policing, incarceration, and mass deportation as one its principal tasks. This is often more complicated when racism and xenophobia are found within the faith community itself. In particular, activists must battle against the preconceived notions many people have about individuals with criminal records. As Reverend Ruiz told me, the narrative about immigrant “deservingness” remains all-too-prevalent within the faith community as well.

Cynthia Rodriguez, the Chicago-based community organizer from CLRN, explains how her organization has been working to address the issue of xenophobia in the faith communities CLRN works with. As she explains:

“Faith communities have to fight for everyone, regardless of their criminal record, and they need to be really attentive to the ways in which people are criminalized, and continue to be criminalized, and will be more so under the next for years. Faith communities have an important role in pushing those conversations with their networks to recognize that our faith calls us to give people second chances, so we have to fight for, and be in solidarity with, everyone, especially the most vulnerable.”

Reverend Alexia Salvatierra, a Los Angeles-based organizer, understands sanctuary at a personal level. She was first introduced to the concept when her own congregation in California declared itself a sanctuary when she was just a child. She stayed connected to the immigrant rights movement, and was one of the cofounders of the New Sanctuary Movement in 2006. Salvatierra outlines the differences in the two movements, past and present, noting that physical sanctuary in the 1980s addressed people’s immediate needs for housing, food, and financial support. “Because people were coming from the border with nothing, they had no place to stay, they had no job, they knew nothing about the society,” she explained to me. “It made perfect sense to resettle them. It’s what they needed.” Long-term physical sanctuary met the short-term humanitarian needs of the Central Americans fleeing violence, while also drawing attention to the major policy issues of the era.

But today, many of the people who the Trump administration has prioritized for deportation have likely been in the United States for years, perhaps even decades. “By the time we got to 2006, people had homes, jobs, families, kids going to school,” Reverend Salvatierra said. “The last thing they want to do is live in a church. While sanctuary may provide temporary protections for individuals facing deportation, it can also be a sort of exile, isolating individuals from their lives and communities. That is a major sacrifice on their part.”

Elvira Arellano, one of the first people to take refuge in a church as part of the contemporary Sanctuary Movement, arrived in the United States in 1997. In 2002, immigration officials raided her workplace and charged her with using a false social security number, an offense that put her into deportation proceedings. Instead of leaving the country, she took refuge inside the Adalberto United Methodist Church with her seven-year-old son. After ten years of living, working, and raising a family in the United States, she had to leave her home and her community to fight her deportation from a physical site of sanctuary.

Cases like those of Arellano have provoked debate within the movement today about the end goal of today’s Sanctuary Movement—a discussion that has only grown since the November 2016 election. In the 1980s, people in sanctuary had the explicit goal of winning asylum cases. After 2006, many people who sought sanctuary launched campaigns around their individual cases, asking immigration officials to use discretion to

stop their deportation. These actions often did not provide a pathway to citizenship, but they did give individuals peace of mind knowing they were not personally being targeted for deportation. Today, with the administration's promise to deport all undocumented people,

Since Trump's election, hundreds of houses of worship have opened their doors to provide sanctuary. In 2014, approximately 250 congregations offered physical sanctuary but after November 2016 that number is estimated to have swelled to around 800. However, the number of people publicly taking sanctuary has not substantially increased since January, according to Reverend Ruiz.

But as enforcement efforts ratchet up, many advocates do see the tactic as a way to resist the draconian immigration enforcement policies that Trump has promised. With the appointment of two staunchly anti-immigrant, white nationalists to key Executive Branch positions, Steve Bannon as Chief Strategist and Jeff Sessions as Attorney General, many advocates are bracing for the worst. Trump has promised to hire 15,000 more immigration agents and dedicate "all legally available resources" to increase immigration detention capacity. On the criminal justice front, Attorney General Sessions has indicated a firm commitment to maintaining the policies of the war on drugs and has halted criminal justice reform efforts that had begun under the Obama administration. Expanding the notion of sanctuary and strengthening ties between movements will become more important than ever as these policies build momentum. As Reverend Juan Carlos Ruiz explained,

"What's currently being proclaimed as a law demands of us a faithfulness beyond our own security and comfort. What it demands is to put our bodies on the line for the well-being of the most vulnerable in our community." **N**



At Detention Watch Network's 11th annual member conference in Baltimore in April 2016, activists and organizers from across the U.S. gathered to share knowledge and build towards a vision of a world without immigration detention. Here, a DWN activist paints signs for use in a protest march later in the day to "Stop Mass Incarceration." STEVE PAVEY | HOPE IN FOCUS

many activists doubt that the administration will use discretion to stop deportations. This is especially true for people whose criminal records have triggered their deportations. "I totally support people doing sanctuary, but you have to plan it," Salvatierra told me. In other words, housing someone in a house of worship for an indeterminate amount of time takes time and resources. Furthermore, as Reverend Salvatierra emphasized, "You have to have an exit strategy," which in the past has often involved pressuring immigration officials to use their discretion to stop the deportation.

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