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EXPERT INSIGHT | Homeland Security and Immigration

CONGRESS MUST ACT TO PREVENT SANCTUARY JURISDICTIONS FROM HARBORING CRIMINAL ILLEGAL ALIENS

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TOPLINE POINTS

- ★ Protecting American communities from criminal illegal aliens requires consistent cooperation of local, state, and federal law enforcement officials.
- ★ Ongoing sanctuary policies are actively obstructing federal law enforcement's ability to carry out their congressionally mandated responsibility to remove illegal aliens from our communities.
- ★ The *No Sanctuary for Criminals Act* (H.R. 3003) and the *No Bailouts for Sanctuary Cities Act* (H.R. 5717) both contain provisions that would ensure state and local compliance with federal immigration enforcement efforts.
- ★ Actions taken by President Trump and Congress to expose state and local authorities that put criminals' interests above their own citizens' must become permanent to ensure public safety and to promote the rule of law.



State and Local Force Multiplication is Key for Mass Deportation

To keep the American people safe and preserve our nation's sovereignty, state and local governments have a powerful role to play in realigning the current incentive structure to deter illegal immigration and empower federal law enforcement. It is a significant piece of the America First Agenda to combat the troubling trend of sanctuary jurisdictions shielding illegal aliens from enforcement and accountability. New policies should enforce and incentivize cooperation with federal law enforcement, revoke funding from noncompliant local jurisdictions, and grant immunity to officials who do comply with federal immigration enforcement. Without legislatively supported and robust law enforcement coordination at the state and local levels, criminal illegal aliens will continue using “sanctuary” jurisdictions to evade removal and prosecution.

Over a decade ago, numerous states began defying Immigration and Customs Enforcement (ICE) operations by passing legislation at the local level barring cooperation with federal immigration officers. These actions were taken due to states' increased opposition to strong interior enforcement and border security measures championed by President Trump. If honoring ICE detainers was mandatory for state and local jurisdictions, there would be fewer issues of compliance by state and local law enforcement officials. However, if determined optional by state laws and policies, inconsistent enforcement across the law enforcement and corrections field became more likely.

This is not a new problem. In 2012, then-California Attorney General [Kamala Harris](#) issued guidance stating that detainers by ICE are not required, and gave the discretion as to whether or not to enforce them to local law enforcement agencies across the state. This policy gave the green light to local officials to begin purposefully obstructing ICE operations in their jurisdictions. Immigration detainers are requests issued by ICE, to hold an illegal alien, who is already in legal custody of a state prison or local jail for crimes the illegal alien committed.

In [2014](#), the Philadelphia Third Circuit Court of Appeals ruled that ICE detainers were technically *requests* to detain illegal aliens, rather than *mandates*, thus leaving the decision of whether to honor them up to state and local authorities. Many state and local leadership, already fueled by their hostility towards immigration enforcement, treated the Third Circuit's [decision](#)—which stated that “immigration detainers do not and cannot compel a state or local law enforcement agency to detain suspected aliens subject to removal”—as guidance in how they should handle a detainer issued by ICE. The decision provided justification to defy immigration enforcement actions for jurisdictions who already did not want to cooperate with immigration enforcement. In addition to the assumed optional compliance, a fear arose among state and local officials that they would face litigation from illegal aliens and advocacy organizations



if they did decide to comply with a detainer request. Civil liability became another deterrent to cooperating with federal law enforcement officers.

No Sanctuary for Criminals Act

In previous years, members of Congress have attempted to solve this critical issue but have been unsuccessful in passing impactful legislation. On July 10, 2017, the U.S. Senate received [H.R. 3003](#), the *No Sanctuary for Criminals Act*, after it passed the House of Representatives. H.R. 3003 amended the Immigration and Nationality Act with additional solutions to the issue of local and state officials who refuse to cooperate with federal immigration enforcement. The provisions of the bill include:

- Providing immunity to officials who choose to enforce detainers;
- Withholding funding from officials who refuse to cooperate;
- Expanding mandatory detention; and
- Providing victims of illegal migrant crime and their families standing to sue the local and state officials for their non-compliance.

In addition, the bill also prohibited any state or locality from passing any law, local ordinance, or executive order that bans cooperation in enforcing immigration law, which would effectively reverse the non-compliance policies that various states currently operate under. In short, H.R. 3003 would protect officials who *did* cooperate with ICE and punish those jurisdictions who *did not* cooperate with valid immigration enforcement actions. This legislation failed to pass the Senate, and thus, sanctuary cities continue to defy enforcement requirements today.

According to the Department of Justice's (DOJ) recent announcement pursuant to [Executive Order 14287](#), there are [13 sanctuary states](#): California, Colorado, Connecticut, Delaware, the District of Columbia, Illinois, Minnesota, Nevada, New York, Oregon, Rhode Island, Vermont, and Washington. Additionally, the DOJ designated 22 counties and cities as sanctuaries due to their persistent obstruction of immigration enforcement through laws, regulations, and practices.

The personnel operating in these places have no incentive to cooperate with federal law enforcement. Local officials (such as judges and sheriffs) in these sanctuary jurisdictions affirmatively restrict cooperation with ICE and inhibit their abilities to enforce immigration law. If officials within these states do choose to comply with federal officials, they are targeted by activist organizations and the media for doing so. Elected leaders such as New York Governor Kathy Hochul, for instance, [called](#) counties within her state that complied with ICE “renegade counties.” H.R. 3003 would be an effective mechanism to appropriately apply both pressure and consequence to these sanctuary areas.



It is important to note that all sanctuary states and localities receive federal funding while openly taking antagonistic positions against the enforcement of federal immigration laws. Withholding federal funds from non-compliant jurisdictions and reallocating those resources to regions that do comply with their federal partners is a logical and much-needed step to reverse course. When President Ronald Reagan enacted [*The National Minimum Drinking Age Act*](#), he withheld access to specific funding from states acting in non-compliance. The revocation of funds could be expanded from those stated in H.R. 3003 to include grants for education, transportation, and infrastructure, which would serve as an even greater incentive for change.

As mentioned above, another substantive deterrent that cooperative officials face is the threat of litigation. Local officials fear they will be victims of a lawsuit if they comply and work with federal officials to honor and enforce a detainer. H.R. 3003 addresses this issue by seeking to provide immunity for states, their political subdivisions, and officials, as well as contracted private officials, should they hold an illegal alien pursuant to a detainer. Immunity allows cooperative officials to perform their duties without fear of litigation. H.R. 3003 further balances the need to protect cooperative officials who act in good faith versus those who “mistreat” individuals by limiting the scope of immunity.

No Bailout for Sanctuary Cities Act

The [*No Bailout for Sanctuary Cities Act*](#) (H.R. 5717), introduced in 2023 by Representative Nick LaLota (R-NY), takes a unique but equally effective approach for incentivizing state and local cooperation in immigration enforcement. The bill targets sanctuary jurisdictions by preventing localities from receiving federal funding meant for illegal aliens if the jurisdiction fails to cooperate with immigration detainers or withholds information regarding citizenship or immigration status from federal law enforcement.

All sanctuary jurisdictions use federal dollars that effectively benefit illegal aliens, including healthcare services, transportation, and education. Wisely, the bill ties that funding to immigration enforcement measures and law enforcement cooperation. In fiscal year 2024, state and local governments received nearly [*\\$1.1 trillion*](#) from the federal government, representing nearly 16.2% of all federal spending. These dollars are critical lifelines for state and local governments who would fail to provide necessary services if they did not receive such funding.

By tying those dollars to immigration enforcement, H.R. 5717 would force sanctuary jurisdictions to choose between cooperating with federal immigration enforcement and denying critical public benefits that their constituents rely on.

Americans First, Not Criminals



Congress and President Trump have taken meaningful action to combat the pressing issue of uncooperative jurisdictions, but more action needs to occur to ensure nationwide compliance. In 2025, members of Congress introduced numerous bills targeting sanctuary jurisdictions, including the [*Stop Dangerous Sanctuary Cities Act*](#) and the [*Mobilizing Against Sanctuary Cities Act*](#), as well as demanding accountability through congressional hearings that spotlight the dangerous outcomes of sanctuary policies. President Trump's recent Executive Order, [*Protecting American Communities from Criminal Aliens*](#), includes various policies, such as requiring a list of designated sanctuary jurisdictions and establishing them as jurisdictions in defiance of federal immigration law enforcement. It also ordered the removal of federal funds from these jurisdictions, prohibiting federal benefits for aliens, and establishing equal treatment for Americans. This policy combats the favoring of illegal aliens over American citizens, which has drained taxpayers' money. This executive order takes a significant stride in establishing a secure nation and valuing American citizens primarily, but it is also essential for Congress enshrine these protections into law, so as to provide permanency to the American people.

President Trump's strong immigration policies have dramatically and swiftly curbed the level of illegal immigration to the U.S., namely by enforcing the law and offering credible deterrents to unlawful activity. It is in the interest of the American people to have this level of enforcement and security for decades to come. Congress must pass robust compliance legislation to end the defiance by these sanctuary jurisdictions and ensure that the safety and security of American citizens—as well as law enforcement agents—are permanently prioritized.

