

Statement for the Record
House Committee on Oversight and Government Reform
March 5, 2025: “A Hearing with Sanctuary City Mayors”

For over four decades, the National Immigrant Justice Center (NIJC) has dedicated itself to ensuring human rights protections and access to justice for immigrants, refugees, and asylum seekers. Headquartered in Chicago, IL, NIJC provides direct legal services to approximately 11,000 low-income individuals each year and advocates immigrant communities through federal advocacy, impact litigation, and public education.

NIJC respectfully submits this statement for the record for the March 5, 2025 House Oversight hearing, which is targeting Chicago Mayor Brandon Johnson and Chicago’s “Welcoming City Ordinance.”¹ The Welcoming City Ordinance codified decades-old local policies to help ensure undocumented residents are able to contact the police when they are victims or witnesses to crime without fear due to their immigration status. This statement, NIJC raises concerns regarding the context of this hearing; clarifies how Chicago's Welcoming Ordinance is lawful; highlights federal courts’ longstanding constitutional concerns with federal immigration enforcement; and emphasizes how Chicago's welcoming policies priorities the safety and economic well-being of all its residents.

1. This hearing is part of a larger set of baseless and unlawful attacks on Chicago.

A month before President Trump returned to the White House, his surrogate was threatening Chicago and its residents. The incoming “border czar,” Tom Homan, announced that the Department of Homeland Security’s (DHS) Immigration and Customs Enforcement’s (ICE) crackdown on immigrant communities would begin in Chicago and that he would seek to prosecute Mayor Johnson if he did not “cooperate.”² Homan used profane language to attack the Mayor and Illinois’ governor.³

On Day 1, Trump ordered the Attorney General and DHS Secretary to undertake “any other lawful actions, criminal or civil, that they deem warranted,” based on his own false allegations that sanctuary city policies interfere with enforcement of immigration laws.⁴ This order built on the

¹ Section 2-173-020(c) of Chapter 2-173 of the Municipal Code of Chicago.

² Micah Yason & Lynnea Domienik, *Trump’s new border czar wants to start deportations in Chicago*, WBEZ Chicago (Dec. 11, 2024), <https://www.wbez.org/reset-with-sasha-ann-simons/2024/12/11/trump-border-czar-tom-homan-on-mass-deportations>.

³ Shia Kapos, *Homan tells Democrats to ‘get the hell out of the way’ on immigration*, Politico (Dec. 9, 2024), <https://www.politico.com/live-updates/2024/12/09/congress/border-czars-tough-talk-00193416> (reporting comments from Tom Homan that “Chicago is in trouble because your mayor sucks and your governor sucks” and to “get the hell out of the way” if Chicago refuses to cooperate with ICE).

⁴ Executive Order 14159 of January 20, 2025, *Protecting the American People Against Invasion*, 90 Fed. Reg. 8443 (published on Jan. 20, 2025).

legal theories of Stephen Miller, the white supremacist architect of many of Trump’s anti-immigrant policies.⁵ Within a week of Trump’s return to office, ICE and several federal agencies launched enforcement actions that targeted Chicago and its suburbs with violent arrests in violations of the Fourth Amendment.⁶ Chicago is still reeling from this assault on its residents, which overwhelmingly targeted immigrants without criminal or judicial warrants.⁷

The U.S. Department of Justice (DOJ) also issued two⁸ memoranda⁹ which direct personnel to investigate and civilly and criminally prosecute sanctuary jurisdictions. The day after that second memorandum, DOJ sued Chicago (along with Cook County, and the State of Illinois)¹⁰—recycling arguments that the Trump administration lost in federal courts during its first term when it similarly attacked localities like Chicago for welcoming immigrants.¹¹

Members of this Committee should denounce these baseless attacks on cities like Chicago—rather than align with this blatant federal overreach under the guise of Congressional oversight.

2. Welcoming policies are lawful.

As federal courts ruled in under Trump’s first term,¹² sanctuary jurisdictions are plainly within their constitutional right to set their local policies. Federal courts have repeatedly and uniformly found that sanctuary laws like the Welcoming City Ordinance comply with federal law, specifically Section 8 U.S.C. § 1373.¹³ The Tenth Amendment to the U.S. Constitution leaves to

⁵ NPR, *Stephen Miller and White Supremacy* (Nov. 17, 2019),

<https://www.npr.org/2019/11/17/780231676/stephen-miller-and-white-supremacy>.

⁶ See Castañón Nava et al. v. Department of Homeland Security et al., No. 18-cv-3757-RRP (N.D. Ill.); Adriana Cardona-Maguigad, *Trump's immigration arrests in Chicago raise questions about 4th Amendment violations*, Chicago SunTimes (Feb. 5, 2025), <https://chicago.suntimes.com/immigration/2025/02/05/chicago-immigration-lyons-elgin-trump-ice-raids-border-wall-immigration-know-your-rights>.

⁷ Tears, fears — but few details — in wake of immigration sweeps across Chicago area, WBEZ Chicago (Jan. 7, 2025), <https://www.wbez.org/immigration/2025/01/27/chicago-immigration-ice-raid-monday>; see also Alicia A. Caldwell, X (Jan. 26, 2025), <https://x.com/aacaldwellLA/status/1883580370396094672> (reporting that of about 260 people arrested in the Chicago area, only seven had criminal warrants).

⁸ Acting Deputy Attorney General, *Interim Policy Changes Regarding Charging, Sentencing, and Immigration Enforcement* (Jan. 21, 2025), available at <https://www.sfcityattorney.org/wp-content/uploads/2025/02/Jan-21-memo.pdf>.

⁹ Attorney General, *Sanctuary Jurisdiction Directives* (Feb. 5, 2025), available at <https://www.sfcityattorney.org/wp-content/uploads/2025/02/February-5-memo.pdf>.

¹⁰ Joel Rose, *Justice Department sues Chicago and Illinois over 'sanctuary' laws* <https://www.npr.org/2025/02/06/nx-s1-5288871/justice-department-sues-chicago-and-illinois-over-sanctuary-laws>.

¹¹ *City and County of San Francisco v. Barr*, 965 F.3d 753 (9th Cir. 2020).

¹² See National Immigration Project, *Setting the Record Straight About Sanctuary Policies: A Response to Threats Against Sanctuary Cities* (January 22, 2025), <https://nipnlg.org/sites/default/files/2025-01/DOJ-AFL-response.pdf>.

¹³ See e.g. *City of Chicago v. Sessions*, 888 F.3d 272, 282 (7th Cir. 2018), vacated in part on other grounds, No. 17-2991, 2018 WL 4268817 (7th Cir. June 4, 2018) (“[T]he Attorney General repeatedly characterizes the issue as whether localities can be allowed to thwart federal law enforcement. That is a

states and localities how to devote local law enforcement resources. The federal government cannot require or commandeer states or localities to help enforce federal immigration laws.

The Welcoming City Ordinance simply prioritizes local resources for the enforcement of state and local laws rather than taking part in ICE's enforcement of civil immigration infractions. Federalist principles, as well as the U.S. Constitution, proscribe the federal government from coercing Chicago or other local jurisdictions from performing duties Congress delegated to federal immigration authorities.¹⁴

Moreover, the executive branch has engaged in a series of unlawful actions that have already been blocked and challenged in dozens of cases in federal courts.¹⁵ This committee would best use its resources by conducting oversight into the growing record of breaches of power by the executive branch and its impact on the public.

3. ICE detainers and collateral arrests, not sanctuary policies, merit congressional oversight.

This Committee should scrutinize ICE, not jurisdictions like Chicago, for systematically violating constitutional law. Federal courts have held that local authorities are under no mandate to comply with ICE's demands.¹⁶ Most recently, a federal court issued a ruling to set guardrails around how ICE routinely prolongs the detention of individuals held by local authorities without a judicial finding of probable cause, which is required under the Fourth Amendment.¹⁷ In *Gonzalez v. ICE*, the court blocks ICE from issuing "detainers"¹⁸ to local authorities requesting that they keep an individual extra time, so an ICE officer can take the individual into custody.¹⁹ Applying to the vast majority of states and U.S. territories, this settlement sets key guardrails to curtail ICE's violations of people's Fourth Amendment rights. At bottom, federal courts are seeking to hold ICE to the same standard as any other law enforcement agency in the United

red herring. . . . [N]othing in this case involves any affirmative interference with federal law enforcement at all, nor is there any interference whatsoever with federal immigration authorities."); *McHenry Cnty. v. Kwame Raoul*, 44 F.4th 581, 592 (7th Cir. 2022); *United States v. California*, 921 F.3d 865 (9th Cir. 2019); *United States v. New Jersey*, 2021 WL 252270, at *8 (D.N.J. Jan. 26, 2021).

¹⁴ See Brief of Amici Curiae National Immigrant Justice Center, et al. in Support of Plaintiff's Motion for Preliminary Injunction 1:17-cv-05720, ECF No. 62 (Aug. 31, 2017), https://immigrantjustice.org/sites/default/files/content-type/press-release/documents/2017-08/NIJC_Amicus-Chicago_v_Sessions_Welcoming_City_lawsuit.pdf.

¹⁵ See Just Security, *Litigation Tracker: Legal Challenges to Trump Administration Actions* (last updated Mar. 3, 2025), <https://www.justsecurity.org/107087/tracker-litigation-legal-challenges-trump-administration/>.

¹⁶ See, e.g., *Moreno v. Napolitano*, 2014 WL 4911938, at *5 (N.D.Ill, Sept. 30, 2014); *Galarza v. Szalczyk*, 745 F.3d 634, 640 (3d Cir. 2014); *Morales v. Chadbourne*, 793 F.3d 208, 214-15 (1st Cir. 2015).

¹⁷ See *Gonzalez v. ICE*, 13-cv-4416, ECF No. 195-1 (C.D. Cal.).

¹⁸ NIJC, *Immigration Detainers* (Apr. 2014), <https://immigrantjustice.org/sites/immigrantjustice.org/files/Detainers.pdf>.

¹⁹ NIJC, *New Class Action Settlement Requires ICE To Stop Rampant Constitutional Violations For People Subject To ICE Detainers* (Feb. 10, 2025) <https://immigrantjustice.org/staff/blog/new-class-action-settlement-requires-ice-stop-rampant-constitutional-violations-people>.

States—i.e., not to infringe on individuals’ constitutional right to liberty without proving probable cause to keep this person in jail.

ICE has a long history of violating Fourth amendment rights—costing local jurisdictions enormous liability. New York City recently agreed to pay \$92.5 million for holding people unlawfully under the Fourth Amendment on ICE detainers.²⁰ In 2022, the Los Angeles County Sheriff had to pay \$14 million because of Fourth Amendment violations for holding people unlawfully on immigration detainers.²¹ By violating constitutional rights, ICE is not only harming individuals, but local taxpayers who have to pay for their municipalities’ complicity with ICE’s unlawful conduct. With the Welcoming City Ordinance, Chicago wisely adopted its own policy—protecting Chicagoans from the egregious harm and exorbitant cost of routine constitutional violations.

Finally, Chicago is among multiple localities and states currently subject to the *Castañon Nava* settlement agreement.²² This case illustrates the rampant use of racial profiling in ICE’s enforcement actions in broad daylight—as a class of about 120 Latinx individuals were unlawfully detained during pretextual traffic stops where ICE posed as local police. Plaintiffs were suddenly arrested and detained for weeks without seeing a judge. Rather than bury this practice, the executive branch used it as part of its playbook of attacks on welcoming jurisdictions like Chicago. During the Trump administration’s inaugural raids on Chicago and its surroundings, NIJC documented multiple *Castañon Nava* violations.²³

The committee is right to focus on Chicago in some respect—but its target is misguided. Mayor Johnson and the Welcoming City Ordinance are not violating federal and constitutional law. Years of judicial precedent and binding settlement agreements show that ICE’s enforcement practices merit congressional scrutiny.

4. Welcoming policies foster safety and prosperity.

Chicago’s Welcoming City Ordinance, along with Illinois and Cook County’s policies, became law with strong bipartisan support from elected legislators because they make our communities safer.²⁴ These laws have provided peace of mind to our diverse immigrant communities that if they need help in an emergency or are a victim of a crime, they can call for help without fear of

²⁰ Luis Ferré-Sadurní, *New York City to Pay \$92.5 Million to Improperly Detained Immigrants*, N.Y. Times (Dec. 18, 2024), <https://www.nytimes.com/2024/12/18/nyregion/migrants-detention-settlement-deportation.html>.

²¹ Maria Sacchetti, *Los Angeles County votes to pay \$14 million to former immigrant detainees*, Wash. Post (Oct. 13, 2020), https://www.washingtonpost.com/immigration/los-angeles-county-votes-to-pay-14-million-to-former-immigrant-detainees/2020/10/13/c458edc8-0d9b-11eb-b1e8-16b59b92b36d_story.html.

²² See n.6 supra.

²³ Due to pending litigation, NIJC is unable to share examples in a public forum yet, though several congressional offices have assisted with constituent services of individuals whose rights were violated under *Castañon Nava*.

²⁴ Barb Markoff, Christine Tressel and Tom Jones and Mark Rivera, *Illinois authorities divided on TRUST Act forbidding federal immigration enforcement collaboration*, ABC7 Chicago (Jan. 24, 2025) <https://abc7chicago.com/post/trust-act-controversy-illinois-authorities-divided-law-forbidding-collaboration-federal-immigration-enforcement-raids/15834612/>.

deportation. Approximately 425,000 immigrants in Illinois do not have status,²⁵ and since 2022, more than 51,000 new immigrants have arrived in Chicago alone.²⁶ Illinois exceeds the national average percentage of people who speak a language other than English at home, according to the Census Bureau.²⁷

Law enforcement agencies throughout the country have supported these welcoming laws for many years because involving local police in federal deportation efforts not only strains their agencies' own capacity to address public safety concerns²⁸ but also degrades community trust. This is particularly true for domestic violence survivors, who are less likely to seek protection if they fear they will be swept up in deportation proceedings. In fact, welcoming policies save lives, when it comes to domestic violence survivors. A study spanning 14 years showed lower domestic homicide rates for Hispanic women by 62% in sanctuary jurisdictions.²⁹

NIJC has seen firsthand how welcoming policies make our communities safer.³⁰ NIJC's immigration legal services ensure that noncitizens can assert the human rights to which they are entitled. Immigrants who experience abuse are often multiply victimized because abusers use their lack of status and fear of deportation to prevent them from reporting abuse. Language barriers also impede their ability to report a crime, as domestic violence survivors often fear they

²⁵ Migration Policy Institute, *Profile of the Unauthorized Population: Illinois* (last accessed Mar. 4, 2025), <https://www.migrationpolicy.org/data/unauthorized-immigrant-population/state/IL>.

²⁶ City of Chicago, New Arrivals Situational Awareness Dashboard (Dec. 18, 2024), <https://www.chicago.gov/city/en/sites/texas-new-arrivals/home/Dashboard.html#:~:text=Since%20August%202021%2C%202022%2C%20the,the%20City%27s%20new%20arrivals%20response>.

²⁷ Illinois has 23.8%, while the national average is 22%. <https://www.census.gov/acs/www/about/why-we-ask-each-question/language/>.

²⁸ See, e.g., Chris Magnus, *How undocumented immigrants helped my police work*, The Washington Post (Feb. 3, 2025), <https://www.washingtonpost.com/opinions/2025/02/03/immigrant-illegal-ice-trump-church-school-letters/> (former Biden CBP commissioner Chris Magnus and law enforcement careerist noting that "immersing local police in immigration and border enforcement takes them away from their primary mission and does not make the public safer").

²⁹ Catalina Amuedo-Dorantes & Monica Deza, *Can Sanctuary Policies Reduce Domestic Violence?*, The Center for Growth and Opportunity (May 20, 2020), <https://www.thecgo.org/research/can-sanctuary-policies-reduce-domestic-violence/> ("Based on the estimates therein, the adoption of sanctuary policies helped reduce domestic homicides perpetrated by family members against female Hispanic victims. The effect of the policies is rather large given the relatively rare occurrence of Hispanic homicides when compared to overall property or violent crimes. In particular, the adoption of sanctuary policies cut Hispanic women's domestic homicides by approximately 0.012 homicides per 100,000 residents—a 62 percent reduction in the homicide rate from prior to the implementation of the sanctuary policy.").

³⁰ NIJC, TRUST Act Signed into Law in Illinois: New law establishes nation's strongest state-level due process protections against deportation, makes Illinois a more welcoming state for immigrants (Aug. 28, 2017), ("Francis Velez a community leader with Mujeres Latinas en Accion praised the bill's signing today. As a survivor of domestic violence, she feels that the TRUST Act provides critical safeguards to survivors such as herself. "The Trust Act will give me and my community peace of mind that we can go about our lives without fearing that an interaction with police will lead to a deportation," She said. "The current political climate has led to fewer immigrant survivors coming forward for help, which can be the difference between life and death. Undocumented survivors no longer have to fear that calling the police will result in deportation," said Velez.").

will not be heard by local authorities who assume that non-English speakers are not entitled to the same protections as U.S. citizens. Chicago's Welcoming City Ordinance and other local laws have provided peace of mind to our diverse immigrant communities that if they need help in an emergency or are a victim of a crime, they can call for help without fear of deportation.

Safer communities also allow cities like Chicago to thrive economically. Research shows that sanctuary jurisdictions champion higher median household income, less poverty, and less reliance on public assistance to higher labor force participation, higher employment-to-population ratios, and lower unemployment.³¹

Since President Trump returned to office, NIJC has witnessed business owners, essential workers, and domestic violence survivors swept up in ICE's unlawful enforcement actions. Chicago is doing its part to try to keep its residents safe and thriving; the federal government, including Congress, should do theirs.

Conclusion

NIJC respectfully submits this statement for the record to underscore several errors with this committee's focus. This hearing is part of a larger effort to target and punish cities like Chicago for protecting community members from unlawful and unconstitutional federal actions. Contrary to cities like Chicago, the executive branch is entrenched in unlawful attacks on longstanding community members, using tools that violate the Fourth Amendment and proliferate racial profiling. This committee should conduct oversight into the executive branch's conduct, rather than waste its resources targeting local policies that prioritize the safety and prosperity of all.

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³¹ Tom K. Wong, *The Effects of Sanctuary Policies on Crime and the Economy*, Center for American Progress (Jan. 26, 2017), <https://www.americanprogress.org/article/the-effects-of-sanctuary-policies-on-crime-and-the-economy/>.