

# SB 54 (de León) – California Values Act

## Why We Need SB 54's Safe Space Provision

### What SB 54 does:

This legislation requires the California Attorney General to publish model policies limiting assistance with immigration enforcement to the fullest extent possible under federal and state law at sensitive locations such as public schools, libraries, health facilities, courthouses, Division of Labor Standards Enforcement facilities, and shelters. SB 54 requires those facilities to adopt those model policies.

### The Need for Safe Spaces:

ICE's 2011 "Enforcement Actions at or Focused on Sensitive Locations" memorandum<sup>1</sup> directed ICE agents to refrain from enforcement actions at or around sensitive locations, including schools, hospitals, churches, and public ceremonies.<sup>2</sup> However, recent enforcement actions by the Trump Administration have shown a shift away from this policy and demonstrate the need to keep these critical locations of public and civic engagement open to all residents, regardless of immigration status.

Incidents throughout the country—the arrest of a domestic violence survivor inside of a Texas courthouse, the arrests of men leaving a hypothermia shelter in a church in Virginia, and the removal by ICE of a woman with a brain tumor from a hospital in Texas—have stoked community fears and anxieties.

**Shelters:** In January, the day after President Trump signed Executive Orders ramping up immigration enforcement, ICE agents showed up at San Francisco's Good Samaritan Family Resource Center looking for two individuals while an ESL and preschool class were being taught.<sup>3</sup>

**Schools:** In March, ICE agents in unmarked cars surrounded a father's car shortly after he dropped off his 12-year-old daughter at a school in Los Angeles and arrested him for an old deportation order.<sup>4</sup> His arrest was videotaped by his 13-year-old daughter who was inside the car.

**Courthouses:** In March, ICE agents arrested a criminal defendant after his court appearance inside the hallways of a Pasadena courthouse.<sup>5</sup> This incident, along with others, prompted California Supreme Court Chief Justice Tani Cantil-Sakauye to write Attorney General Sessions and Homeland Security Secretary Kelly demanding that ICE end this practice. She warned that these actions discourage crime victims and defendants from going to the courts and expressed concern "about the impact on public trust and confidence in our state court system." They responded by refusing to stop enforcement at courthouses. A recent survey of victim's advocates and service providers indicated that immigrants are increasingly concerned about pressing charges and going to court to testify.<sup>6</sup>

**Health Facilities:** Doctors are reporting seeing fewer immigrant patients because of the increased fear of going out in public.<sup>7</sup> County health and public benefit service providers have noted an increase of individuals asking to be dis-enrolled from health and public benefit programs, like Medi-Cal and SNAP, fearing that their information will be used to target them or their family for deportation.<sup>8</sup>

### Bottom Line:

In light of the new federal immigration enforcement practices, some places have created safe space policies.<sup>9</sup> SB 54 creates a uniform statewide policy that will be implemented throughout California.

<sup>1</sup> See <https://www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf>.

<sup>2</sup> Exceptions to the memo's policy include an agent who seeks *prior approval* to carry out an action; and actions allowed *under exigent circumstances* (such as when an agent believes there is a threat to national security, there is an imminent risk of harm, evidence in a criminal case at risk of being destroyed, or someone with a felony conviction is being sought). ICE can also still enter these locations to obtain records, serve subpoenas, or participate in official functions or community meetings. CBP's (Customs and Border Patrol) 100-mile rule (8 U.S. Code § 1357) also limits this memo's ability to restrict enforcement actions at these locations anywhere that may be within a "reasonable" distance from the U.S. border.

<sup>3</sup> See <http://www.sfexaminer.com/ice-agents-appear-family-center-sfs-mission-district/>.

<sup>4</sup> See <http://www.latimes.com/local/lanow/la-me-immigration-school-20170303-story.html>.

<sup>5</sup> See <http://losangeles.cbslocal.com/2017/03/15/ice-agents-now-going-to-courthouses-to-arrest-undocumented-immigrants/>.

<sup>6</sup> See <http://www.tahirih.org/wp-content/uploads/2017/05/2017-Advocate-and-Legal-Service-Survey-Key-Findings.pdf>.

<sup>7</sup> See <http://abc7.com/health/undocumented-immigrants-missing-appointments-out-of-fear-doctors-say/1805004/>.

<sup>8</sup> See <http://localhealthguide.com/2017/02/22/immigrants-fearful-deportation-shy-away-medicaid/>.

<sup>9</sup> See <http://www.laweekly.com/news/health-clinic-declares-itself-a-sanctuary-amid-rising-fear-of-deportations-8026443>; <https://edsource.org/2017/school-districts-step-up-protections-for-immigrants/576574>.