



The Role Of State Attorneys General In Defending “Sanctuary” Jurisdictions

Authors: AG Studies Staff and Policy Fellows

Role of State Attorneys General

Many local and state governments have adopted policies, commonly referred to as sanctuary laws, that limit the use of their local and state resources for federal immigration enforcement. States and cities with sanctuary laws are often regarded as “sanctuary” jurisdictions, because their policies offer varying degrees of protection for vulnerable undocumented immigrants—who often hesitate to access essential [healthcare](#) and [legal](#) services, or [report certain crimes](#), due to fear of deportation.

Major cities like [New York](#), [Los Angeles](#), and [Chicago](#) have publicly committed to supporting their [large](#) undocumented immigrant populations. However, state and local governments can and do adopt sanctuary policies for additional or alternative reasons as well, such as prioritizing [policing strategies](#) that are more relevant to their communities.

State attorneys general (state AGs) are the [top legal officers](#) in charge of defending or challenging sanctuary jurisdictions. Through their office, they can provide guidance on sanctuary laws to state residents and public agencies, and launch initiatives to support their enforcement. Some state AGs also have the authority to issue directives to state and local agencies, instructing them to implement practices commonly associated with sanctuary laws. Now that federal efforts to undermine sanctuary jurisdictions are taking center stage, the role of state AGs has become even more critical.

Background

Despite the fact that [most Americans](#) support allowing [established](#) undocumented immigrants to stay in the country, the Trump administration has [begun](#) its [plans](#) to launch “the largest deportation operation in American history.” Since immigration enforcement agents [rely heavily](#) on voluntary assistance from local and state law enforcement officials to make arrests, President Trump has already signed an [executive order](#) calling on two of his cabinet members to “undertake any lawful actions” to curb sanctuary jurisdictions.

Notably, even local and state governments that do not identify as sanctuary jurisdictions, but limit their participation in immigration enforcement matters for any reason, may be challenged

under this order. In support of mass deportation plans, the U.S. Attorney General will likely argue that sanctuary jurisdictions include not only local and state governments that openly oppose immigration enforcement policies—but also those that prioritize their finite law enforcement resources on addressing urgent public safety issues like violent crime—and those that seek to avoid the risk of [liability](#) and [costly civil lawsuits](#) associated with granting certain immigration enforcement requests.

In light of the increased risk of being targeted, various government leaders (including at least [one state AG](#)) have chosen not to refer to their jurisdictions as sanctuaries. As an alternative, some cities have embraced the “[welcoming city](#)” label to signal their intention to create a welcoming and supportive environment for everyone, including immigrants. However, AGs in states with [bans](#) on local sanctuary policies are still [suing](#) cities for adopting welcoming city ordinances that limit the use of local resources for federal immigration enforcement. This further suggests that those involved in the effort to overturn sanctuary laws will consider the policies themselves, not just their title, when choosing which local and state governments to challenge.

By defending sanctuary jurisdictions from federal opposition, state AGs can make a huge difference for undocumented immigrants, and the more than [16.7 million family members](#), including approximately 6.1 million U.S.-citizen children, who live with them. Their actions can also help protect communities nationwide from being forced to divert [shrinking](#) policing resources away from their own public safety needs to immigration enforcement.

History Of Sanctuary Jurisdictions

The history of cities providing “sanctuary” for undocumented people in the U.S. is closely tied to the [1980’s Sanctuary Movement](#). During that time, [over 500 churches and synagogues](#) worked together to assist Central American refugees who were denied asylum by the federal government despite fleeing war and persecution. In addition to providing shelter, food, and legal aid, these faith groups also [raised awareness](#) about the U.S. government’s role in supporting and training paramilitaries in Central America. As public support for this cause grew, several cities declared themselves sanctuaries for undocumented refugees.

Today, “about a dozen states and hundreds of cities” [nationwide](#) regard themselves as sanctuary jurisdictions. Although sanctuary jurisdictions have no official definition, these state and local governments typically aim to build trust between their immigrant communities and their law enforcement agencies by adopting policies that limit their voluntary involvement with immigration enforcement. For example, sanctuary laws may include exceptions, but often [prohibit](#) state and local officials from inquiring about a person’s immigration status, entering into agreements that allow state and local law enforcement officers to enforce immigration law, or granting non-binding immigration “detainer” requests to hold non-citizens in custody past their release date.

How Do Sanctuary Policies Affect Crime And Immigration Arrests?

Despite [data](#) showing that communities with sanctuary policies are both safer and economically stronger, the word “sanctuary” can be used to create the false impression that these jurisdictions give dangerous undocumented criminals a free pass or prevent federal agents from doing their job. But actually, as the [ACLU](#) explains, “in the absence of a previous removal order and unauthorized reentry,” simply being present in the U.S. while being undocumented is not a federal crime in the first place.

Furthermore, undocumented immigrants as a group have “[substantially lower](#)” crime rates than U.S.-born residents and documented immigrants alike, across a broad range of felony offenses. When undocumented immigrants are accused of committing crimes in sanctuary jurisdictions, they are arrested and prosecuted just like anyone else. Besides, a [2020 study](#) found that policies requiring officials to refuse detainers requests do not result in fewer deportations for undocumented immigrants with violent criminal convictions.

This finding aligns with the fact that federal agents are free to enforce immigration laws throughout the country, including sanctuary jurisdictions. Sanctuary policies do not require state and local governments to [conceal](#) undocumented immigrants. Nor do they direct state and local officials to physically block federal agents from carrying out lawful immigration arrests or deportations.

Generally, states and cities with sanctuary policies only limit their participation in federal immigration enforcement to the extent that doing so is [voluntary](#) and not [required](#) by [law](#). In fact, state and local officials in sanctuary jurisdictions are still obligated to observe all federal laws, just like their counterparts in non-sanctuary jurisdictions. This includes complying with the [requirement](#) to send the fingerprints of any person booked into a prison or jail to the federal government—information which is then checked against immigration and law enforcement records.

Supportive State AG Actions

During the first Trump administration, numerous state AGs defended sanctuary jurisdictions by [successfully](#) challenging the Department of Justice’s (DOJ) [decision](#) to condition certain federal grants on local and state cooperation with immigration enforcement. Others [pushed back](#) on federal threats to withhold economic recovery funding from sanctuary cities during the COVID-19 pandemic. And some [issued directives](#) restricting the types of voluntary assistance state and local law enforcement agencies can provide to immigration enforcement authorities.

In more recent years, many state AGs have continued to promote and defend the sanctuary policies that support their immigrant communities. The following are key examples:

- **Opposing Federal Government’s Threat To Prosecute Public Servants:** In 2025, a [coalition of 13 AGs](#) issued a joint statement in response to a [widely-reported](#) memorandum by a DOJ appointee. The [memorandum](#) claimed that state and local actors are legally required to comply with lawful immigration-related commands and *requests*. It also ordered federal workers to investigate and prosecute defiant actors for charges carrying possible prison sentences.

In its statement, the coalition referenced the longstanding U.S. Supreme Court precedent establishing that it is unconstitutional for the federal government to commandeer states to enforce federal laws. This precedent, rooted in the [anti-commandeering doctrine](#), includes cases such as *Printz v. United States*, where the Court struck down a federal law requiring state and local law enforcement officers to conduct background checks on prospective handgun purchasers. The anti-commandeering doctrine, in turn, rests on the [Tenth Amendment](#), which serves to safeguard [the balance of power](#) between federal and state governments by protecting the states’ sovereignty and independence within the larger federal framework.

The AGs also declared that they would continue to enforce their states’ laws and would not “hesitate to respond” if federal authorities unlawfully prosecute public servants for simply fulfilling their duties. Through their joint statement, the AGs communicated that they would not be deterred from defending their states’ constitutional right to enforce the sanctuary policies that foster “trust with the communities they serve and protect.”

- **Providing Guidance To Local Law Enforcement On State Sanctuary Provisions:** In 2025, [Illinois AG Kwame Raoul](#) issued updated guidance to local law enforcement agencies clarifying key provisions of the state’s sanctuary laws and explaining how these laws promote public safety. The guidance outlined actions that local law enforcement agencies in Illinois are prohibited from doing, such as stopping, arresting, searching, or detaining “any individual solely based on their citizenship or immigration status.” It also specified what actions these agencies were legally required to take to show compliance with state laws. By providing clear legal guidance to law enforcement agencies that work directly with immigrant communities, AG Raoul played a crucial role in promoting the effective implementation of Illinois’ sanctuary laws.
- **Preparing Key Public Entities For Increased Immigration Enforcement:** In 2025, [Oregon AG Dan Rayfield](#) updated his department’s online *Sanctuary Toolkit*, which provides easy-to-read materials outlining the rights protected under Oregon’s sanctuary laws and practical safety precautions. The [original multilingual toolkit](#) focused on educating immigrant communities facing family separation and other deportation-related risks about their legal rights and available resources. AG Rayfield explained that, given

the confusion caused by President Trump's executive orders, his department had expanded the toolkit to include guidance for public schools, hospitals and healthcare settings, and law enforcement. This updated toolkit demonstrates how state AGs in sanctuary jurisdictions can help key public service providers understand their rights and responsibilities under state sanctuary laws in preparation for increased federal immigration enforcement.

- **Defending Lawfulness of State Sanctuary Statute In Response To Legal Warning:** In December 2024, California AG Rob Bonta's Office commented on a letter sent to more than [240 government leaders](#) by a group called American First Legal, a firm started by President Trump's [homeland security advisor](#). The letter claimed that these government officials could face legal prosecution and up to 20 years in prison because of their jurisdictions' sanctuary policies. AG Bonta's Office clarified that SB 54, California's sanctuary law, had been upheld by the courts during the first Trump administration and did not conflict with federal laws or prevent federal agencies from enforcing immigration laws. His office also confirmed that it would continue to uphold all governing state and federal laws and expected the same from local law enforcement agencies. This response let both residents and public agencies in the state know that AG Bonta is committed to defending California's sanctuary laws, even in the face of what his office called a "scare tactic."
- **Empowering State Residents To Report Sanctuary Law Violations:** In 2022, former [Oregon AG Ellen Rosenblum](#) announced that she had launched a *Sanctuary Promise Hotline* staffed by "culturally responsive and trauma-informed advocates." The hotline enables any person to report suspected violations of Oregon's sanctuary laws in any language. AG Rosenblum encouraged all residents to use the hotline, promising that her department would investigate all reported allegations. She also emphasized fairness and dignity as essential Oregonian values, and stated that all people deserve to feel safe in their communities without having to worry about being arrested, detained or deported. This example shows how state AGs can empower residents with a simple way to report sanctuary law violations to supportive staff—while also deterring potential violators.

As these examples illustrate, state AGs have a critical role to play in the unfolding, high-stakes legal battle involving sanctuary jurisdictions. The outcome will determine whether states can continue to use their policing resources for their own unique priorities and purposes, rather than to enforce federal immigration laws. It will also affect the safety and wellbeing of millions of undocumented individuals in these areas, along with their children and other family members, who are U.S. citizens or authorized residents.

Learn more about the vital work of state AGs in defending the rights and interests of immigrant communities by visiting our recent publication at www.agstudies.org.

The Leadership Center for Attorney General Studies is a non-partisan organization dedicated to educating the public about the important role state attorneys general play in addressing pressing issues, enforcing laws, and bringing about change.