

Sanctuary cities endanger public safety | Sergio R. Karas

By **Sergio R. Karas**

Law360 Canada (February 26, 2025, 1:04 PM EST) -- In January 2025, President Donald Trump signed an executive order titled "Protecting the American People Against Invasion," mandating strict enforcement of immigration laws and prioritizing the deportation of undocumented individuals. This directive has intensified Immigration and Customs Enforcement (ICE) operations, leading to increased raids and deportations across the country. The administration's stance has particularly targeted sanctuary cities — jurisdictions that limit local law enforcement's cooperation with federal immigration authorities.



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There is no legal or universal definition, but sanctuary cities are commonly regarded as jurisdictions that have policies that limit or define the extent to which a local/state government may share information with federal immigration law officers. Mark Fleming, associate director of the National Immigrant Justice Center's Federal Litigation Project in the United States, said in a *Time* article that the term "sanctuary cities" is somewhat of a "misnomer," considering they are in reference to a variety of jurisdictions and states, with a wide range of laws in place to limit their co-operation with federal immigration enforcement. For example, one sanctuary policy of New York City bars city officials from sharing information about immigrants unless it is regarding a criminal matter or there is written permission by an individual immigrant to do so.

On Feb. 6, the Department of Justice (DOJ) sued the state of Illinois and the city of Chicago, accusing the authorities of impeding immigration enforcement policies. Beyond Chicago — Boston, Denver and New York City also received letters from Republican Representative James Comer, the chair of the House Oversight and Government Reform Committee, stating that he was launching an investigation into sanctuary jurisdictions. The mayors of the four cities were invited to testify. Chairman Comer said that "Sanctuary jurisdictions and their misguided and obstructionist policies hinder the ability of federal law enforcement officers to effectuate safe arrests and remove dangerous criminals from communities." Border Czar Tom Homan warned that there will be "collateral arrests," particularly in sanctuary cities that refuse to co-operate with in locating and apprehending undocumented immigrants already in local custody for other crimes. The removal of criminal aliens held in custody would facilitate ICE work and efficiency, while the release of those individuals into the community constitutes a clear danger to society. The clash between the Democratic-controlled cities and the federal government intent on enforcing immigration laws will likely reach the United States Supreme Court in the future.

Focusing on Canada, there are seven sanctuary cities, including major metropolitan centers like Toronto, Vancouver, Montreal, and smaller urban centers like Ajax, Edmonton, Hamilton, and London. Toronto declared itself a sanctuary city in 2014 through the "Access T.O." policy, designed to provide undocumented residents with access to city services without fear of exposure or deportation. As part of this initiative, the "Don't Ask, Don't Tell" policy was implemented, instructing city officials not to inquire about an individual's immigration status ("Don't Ask") and not to disclose such information to federal authorities ("Don't Tell"). This is more concerning as it prevents the police from reporting illegal immigrants, including those with criminal records or deportation orders.

It's estimated there are anywhere from 200,000 to 500,000 illegal migrants in Canada — most of them undocumented workers — and that half of them are in Toronto. Included in those numbers are

44,000 failed refugee claimants, whom the Canada Border Services Agency (CBSA) has lost track of after they failed to comply with removal orders. Removing them from Canada is the responsibility of the federal government and to do it properly and safely, there has to be co-operation with municipal police forces. Enforcing immigration laws is not “dirty work” — it is a fundamental duty of a functioning legal system. By encouraging disrespect for immigration laws and failing to co-operate, sanctuary cities set a dangerous precedent that could lead to broader disregard for other laws, eroding the rule of law in Canada.

Sanctuary policies have reached an absurd level, now even celebrating those who are in the country illegally. Toronto hosted “Undocumented Residents Day,” an event openly inviting illegal immigrants to gather at city hall in August 2024. Instead of addressing their legal status and encouraging them to follow proper immigration channels, the city is effectively endorsing their presence. This raises serious concerns about law enforcement and public safety. If the city continues down this path, what’s next — official events for unlicensed doctors or criminals out on bail? At a time when security threats and criminal cases involving individuals with unresolved immigration status are increasing, this approach is reckless and irresponsible.

Toronto was declared a sanctuary city more than a decade ago, but now it does not like the fallout. The city wants the federal government and the province to bail them out from the costs of overwhelmed shelters now filled with up to 40 per cent of all shelter spaces taken up by asylum seekers.

Critics of sanctuary cities argue that these policies weaken immigration law enforcement by restricting co-operation with federal authorities. They raise public safety concerns, pointing to cases where undocumented immigrants with criminal records were released instead of being turned over to immigration enforcement. It encourages illegal immigration by creating an environment that attracts individuals who remain in the country unlawfully. Furthermore, these policies place a significant strain on public resources by allowing undocumented immigrants access to housing, healthcare, and food banks, reducing availability for legal residents.

Rather than implementing policies that create financial and security challenges, the cities should collaborate with the federal government to improve the immigration system, ensuring fair and legal pathways for migrants while maintaining public safety and resource allocation, and should implement a zero-tolerance policy for foreign nationals who commit crimes.

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