

# **BACKGROUND ON AG SANCTUARY CITIES MEMO**

Today Attorney General Sessions issued a memo to all Department of Justice grant-making components on Implementation of Executive Order 13768, “Enhancing Public Safety in the Interior of the United States.” The memo made the following points:

- The President has established immigration enforcement as a priority for this Administration, and in furtherance of that priority issued an Executive Order (13768) requiring state and local jurisdictions to follow federal law.
- The Executive Order requires that state and local jurisdictions adhere to 8 U.S.C. §1373, which requires that they “may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, [the Department of Homeland Security federal immigration officers] information regarding the citizenship or immigration status, lawful or unlawful, of any individual.”
- For the purposes of the Executive Order, the Attorney General and the Secretary of Homeland Security determine that a sanctuary jurisdiction will refer only to jurisdictions that “willfully refuse to comply with 8 U.S.C. 1373.”
- Consistent with the Executive Order, the Department of Justice will require state and local jurisdictions to certify compliance with 8 U.S.C. 1373 for all future and existing grants.
- Separate and apart from the Executive Order, statutes may authorize the Department to tailor grants or to impose additional conditions on grantees to advance the Department’s law enforcement priorities.