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Introduction

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Migrant Protection and the City in the Americas

Chapter 1: Introduction

Laurent Faret and Hilary Sanders

The regulation of migrations by national governments in the Global North has displayed a remarkable degree of convergence in recent years, as rich nations have shared and refined strategies for preventing unwanted migrants from reaching their borders, as well as strengthened their long-standing deportation regimes (De Genova & Peutz 2010; Fitzgerald 2019). This international context of restriction has not halted migration, but rather changed its composition and trajectories, leading many migrants to accept increasing risks during their journey, to spend significant periods of time in countries that were not their initial destination, and to adapt to undocumented status as a more or less permanent condition. As a consequence, an enlargement of debates and numerous questions have arisen, both in the Global North and South, about political responses to human migration (Bender and Arrocha 2017, Haas et al. 2019, Düvell 2012, Lahav and Guiraudon 2006). The different forms of presence, settlement and participation of international migrants have particularly challenged cities and urban contexts (Agier 2016, Darling 2017, Glick Schiller and Caglar 2010, Samanani 2017). Major places of destination and key stages on migration routes, cities are today at the crossroads of migration dynamics, processes of incorporation at different scales, and politics towards non-citizen residents. Faced with the arrival of more diverse populations in terms of socio-economic background and legal status, who are departing from varying political contexts of expulsion in countries of origin, cities are compelled to adapt to the growing complexity of integrating foreign populations in the 21st century.

As a result, cities all over the Americas have become involved in the governance of migrations in ways that were not previously as explicit. Mayors, municipal councils, and other stakeholders in urban contexts have had to deal with many issues related to foreign-born arrivals, especially those who lack official recognition by the nation-state, with or without the assistance of national authorities. Access to housing, to health care, to employment or to education, as well as to local rights and services, are matters that unfold at the municipal level, in the everyday life of towns as well as large urban concentrations. From the moment of their arrival to situations of long-term residency, migrants are actors in the city, and the city is engaged with migrants' presence. In a related perspective, social movements composed of civil society organizations, churches, and migrant collectives and their representatives also participate in local migration politics, often serving to communicate popular perceptions about the reception of migrants to municipal government and decentralized administrations.

In comparison to the restrictive national model that has become so prevalent, local responses to immigration have been varied and fragmented, especially in the United States (Varsanyi 2010, Walker and Leitner 2011). Although a growing number of cities in the Americas have adopted integrative policies or have been the site of strong civil society movements in favor of migrant populations, the forms and scope of local measures on migration issues diverge. For some of the cities included in this book, the evolution of policies on migration has proceeded in a kind of continuum, with incremental adjustments based on past experience. For others, new or renewed challenges have arisen for cities, in terms of long-term presence, transit situations, as well as the sudden acceleration of migrations driven by crisis situations. Governmental responses have occurred in ambivalent contexts, made of political statements and declarations, limited programs or ambitious frameworks, unsolved debates on the legitimacy and responsibility of various actors, as well as possible political positioning based on opportunism and instrumentalization. What some have called a *geopolitics of the cities* can be observed, in parallel or in opposition to national policies on immigration, traditionally included among nation-states' plenary powers, along with the granting of citizenship.

In these contexts, we assume that the discourse and actions of local actors expressing a desire to protect migrants must be understood in a multi-faceted way, as the positions ultimately adopted by the city may vary from mere political slogans to significant measures that contribute to new urban policy orientations. Although Canada and the United States have more experience with deliberate measures to incorporate immigrants, including at the local level, the issue has become increasingly relevant in Latin America, where societies have been confronted with foreign populations of unprecedented size and sometimes unfamiliar origin. The massive outflow of Venezuelans to surrounding countries in South America, and the recent dispersal of Haitians throughout the Americas, have given rise to new policy responses in countries that have traditionally been countries of emigration, not immigration. This process is exacerbated as borders and legal pathways of migration to rich nations are closed off, often with the assistance of secondary “buffer” countries (Fitzgerald 2019, Zaiotti 2016). The Central American migrations triggered by deteriorating conditions of violence, poverty, and political instability in the Northern Triangle have particularly affected Mexico, where migrants have been trapped as the possibility of claiming asylum in the United States has become ever more elusive (Faret 2020). Indeed, migration patterns in North America have been altered following policy changes in the United States, such as repeated endeavors to terminate the Temporary Protected Status (TPS) program for migrants from Haiti, El Salvador, Nicaragua, and Honduras, revealing the asymmetrical dependence of Canada and Mexico on its mutual neighbor. Throughout Latin America, these new migration dynamics have unfolded in parallel to experimentation with decentralization in a growing number of countries, leading cities to confront their responsibility in managing migrants’ access to basic services (Marconi and Iglesias 2010, UN-Habitat/UNESCO 2012).

This book thus aims to establish a dialogue around the various policies of sanctuary and other formal or informal practices of migrant protection that have emerged or been strengthened in cities in the Americas in the last decade. By confronting accounts of local responses to migration in both North and South, the book attempts to identify elements of coherence and divergence among experiences of urban governance of migration in cities throughout the Americas. Though the urban sanctuary perspective has been quite well documented in some contexts, few books, if any, have juxtaposed the different perspectives that have led public authorities to react to the arrival and presence of migrant populations in North *and* Latin America. In some cases, national legal frameworks have been interpreted in specific ways to allow for limited political posturing. In other contexts, local and regional authorities have produced their own legislative standards to assert their authority on migration issues.

Many studies have shown that invisibility, otherness, and vulnerability are the main elements that characterize the arrival and incorporation of migrants in cities across the Americas (Casillas 2017, Goldring and Landolt 2013, Gonzales and Chavez 2013). How are these processes substantially transformed by policies supporting an inclusive, hospitable and politically engaged city that defends the presence of foreign populations within it? Tackling this question is an entry for our collective effort to analyze, in particular, the limits of local strategies to protect migrants, and to identify the latitude of action at the disposal of local actors. Cities sometimes promote integration and multicultural perspectives on one hand, while continuing to deny access to services or participating in restrictive regimes on the other hand. Contradictions between local authorities’ discourse and forms of action by local law enforcement actors or administrative officers are not uncommon, reflecting a gap between local governments’ perception of migration issues and the way foreign populations experience urban incorporation processes. For example, sometimes irregular migrants and the organizations that serve them are harassed and criminalized by local police, or face neglect and discrimination by administrative agents, despite the hospitable tone of official discourse. By studying the adaptation of policies to migrants’ actual needs and claims, we can see to what extent they can participate in the construction of a form of *urban citizenship*, of a means to acquire agency and a negotiated

legitimacy to be in the city, in opposition to a classical conception of citizenship centered around the nation-state.

Decentering sanctuary scholarship

The use of the term “sanctuary” to describe local efforts to protect irregular migrants from restrictive national immigration policies is rooted in the United States, where a social and religious movement emerged in the early 1980’s in defense of Central American refugees fleeing civil war and unrest (Coutin 1993). Faced with the federal government’s refusal to accept these migrants’ claims of asylum, activists invoked churches as spaces of physical sanctuary from deportation and the danger entailed by returning to contexts of violence. Given the widespread opposition to the federal government’s foreign policy in Central America and its role in provoking forced migration, the movement was received with sympathy in the general public. As the refugee crisis coincided with immigration reforms that began to criminalize irregular migrants and their labor, declarations of solidarity on the part of mayors and city councils took on more concrete legal significance over the course of the decade (Ridgley 2008). By the time these policies became institutionalized, the original Sanctuary movement had little bearing on the framework guiding policymakers’ decisions, which included issues of community policing and trust in local government. Instead of claiming to provide sanctuary for immigrants, most municipal ordinances in the United States referred instead to “limited cooperation agreements” with the federal government and efforts to improve access to services among immigrants. Indeed, the parallels with religious activism have their limits: unlike churches, cities are open spaces that cannot close their doors to provide a safe haven to migrants. Furthermore, the biblical concept of sanctuary for criminals lends credence to claims by opponents that city governments which do not fully cooperate with federal deportation efforts are harboring individuals who pose a threat to public safety. For these reasons, the term “sanctuary” faded from public discourse in the United States during the nativist turn of the 1990s and in the post 9/11 era.

In the past decade, interest in the concept has been revived, as surveillance technology and data-sharing within and between governments have facilitated national efforts to deport irregular migrants. In politically polarized contexts such as the United States and the UK, open opposition to national immigration policy has returned within the progressive Left, and apprehensions about conservative backlash have subsided. Civil society actors have been emboldened to invoke “sanctuary” to buttress their demands of increased protection and services for vulnerable migrants. Scholars have increasingly attempted to define the concept’s scope and significance, albeit with caveats (Darling and Bauder 2019, Kagan 2018, Lippert and Rehaag 2013). However, these analyses have remained focused on the Global North, most often addressing political and social dynamics in countries with long histories of receiving migrants. Several works have attempted to depart from national frameworks by constructing a genealogy of practices of sanctuary, from its origins as a religious principle to its reactivation as a humanitarian value in modern social movements (Delgado 2018; Rabben 2016). Such approaches focus on changing interpretations of the concept over time, in parallel to the development of governmental policies of asylum that have transferred collective responsibility for vulnerable migrants to nation-states. However, by framing sanctuary as a moral imperative that is divorced from practical political realities, researchers risk overestimating the influence of discursive framings of immigrants and overlooking the multitude of strategies motivating actors involved in sanctuary and welcome practices, beyond humanitarian principles. Because of its religious connotation and its continued imprecision, the use of this term remains fundamentally problematic.

The general focus of this body of research on cities is another point that merits attention, as sanctuary jurisdictions that enact policies of migrant protection can be police districts, counties, states, or provinces. In the United States, however, the federal government and

opponents of sanctuary policies in general prefer to emphasize the municipal level of jurisdiction, contributing to ideological and partisan conflict around urban centers and their “cosmopolitan” orientation (Lasch et al. 2018: 1710). Cities are indeed the settings in which migrants and the organizations that represent them tend to congregate, but it is an error to consider them as isolated units; even municipal sanctuary policies are complex configurations that involve negotiations between multiple levels and branches of government, and often become effective only when higher levels of jurisdiction intervene. Urban policies are embedded in regional frameworks that can be another layer of action, between national and local scales, according to the importance of federal systems that delegate specific competencies and responsibilities regarding police operations, health systems or taxes, among others.

Just as any comprehensive study of the local management of immigration must be grounded in the various legislative and judicial frameworks that constrain it, one cannot ignore that the city is also a site that is open to transnational influence, including international diplomatic relations and the human consequences of foreign countries’ migration policies, as well as global trends towards securitization in contexts of anti-terrorism and efforts to combat narco- trafficking. These conditions can contribute to legitimizing cities’ political stance towards protecting migrants. In line with the relational approach to local immigration policy outlined in the work of Filomeno (2017), we consider the city as a site that is open to multiple scales of influence, including the diffusion of policy models within regions. While exploring the conditions that allow for and legitimize cities’ political stance towards protecting migrants, the volume is also an opportunity to interrogate the normative dimension of policies that are often part of a larger effort to include the city in processes of globalization by branding cities as international, tolerant, and « welcoming », an image that is attractive to the highly-educated workers and entrepreneurs or to those who appreciate the cultural diversity that immigrants bring. Recent studies have shown that dynamics internal to cities in the United States increasingly lead them to proactively adopt accommodating policies towards migrants in order to reap the associated economic benefits, such as urban economic development or revitalization of distressed urban areas (Huang and Lui 2018, Sanders 2018, Williamson 2018).

The different definitions and scopes of what are called sanctuary policies and other welcoming movements in urban contexts thus deserve re-examination. The concept of *local migration governance* is particularly relevant here, as it acknowledges the interlocking roles of actors at different scales, including non-state actors, who influence the relationship between migration and local policy (Desille and Lacroix 2018). Local and regional governments, police departments, civil society organizations, and migrant collectives take action according to varying logics, in which their local, national or transnational networks and alliances, their autonomy in making decisions about integration policy for foreigners, and their capacity to influence debates are all fundamental to understanding particular situations in which forms of sanctuary policy arise. In cities where political elites are traditionally favorable to international migration, immigrant rights organizations and other progressive social actors manage to influence local authorities in both the definition and implementation of local migration policies (de Graauw 2016); several of the case studies in this book examine the extent to which this dynamic can be observed elsewhere. Indeed, the political agendas of civil society organizations are often less constrained than those of municipal actors, and their register of actions in migrant protection, wider and more flexible. These organizations are often better situated to respond to the diversity of migrant profiles, including specificities related to gender and sexual orientation, to the experience of unaccompanied minors, or to the plight of migrants who are stranded in their intended trajectories. Not to be neglected, the dynamics of migrants’ own processes of incorporation in urban areas also influence the outcomes of governmental and non- governmental strategies of migrant protection. For these reasons, we argue that a narrow sense of the notions of sanctuary and welcoming that is limited to public policy making, and transposable from one national context to another, is not appropriate in analytical terms. Only through a broad perspective can we hope to identify patterns internationally in the different

ways actors understand migration issues and conceive responses, and manage the practical consequences of their policy decisions.

Our approach to sanctuary policy acknowledges, in the first place, the variation in the forms of protection that cities can offer to migrants. In the United States and Canada, municipal governments that invoke the language of sanctuary implicitly or explicitly designate national immigration enforcement as the principal threat to migrants, and the principal barrier to integration. For migrants who lack legal status, the risk of removal from the territory becomes most acute during interactions with police, and their ensuing intersections with federal authorities. In North America, as there are substantial rights and benefits linked to territoriality, rather than citizenship, conflicts between sanctuary jurisdictions and the federal government are thus articulated in terms of the legitimacy of migrants' presence, depending on their categorization as aliens or as residents.

In much of Latin America, where borders remain largely porous and national governments do not dedicate the same resources to immigration control, other threats are often more substantial and immediate to migrants than those of local or federal law enforcement. Insecurity generated by poverty and violence, as well as the spreading of anti-immigrant discourse, are increasingly prevalent in many parts of Central and South America (Domenech 2017). Furthermore, the immobilization of populations in transit, often in large cities that become places of temporary settlement or indefinite waiting, is a growing dimension, preventing migrants from escaping precarious living conditions (Faret 2018). Urban elites play an undeniable role in creating a context of reinforcement of neoliberal policies in Latin American cities, where the public safety net has been continuously eroded by market-driven forces and their divisive and segregative effects (Duhau and Giglia 2008, Sehtman and Zenteno, 2015). Finally, widespread corruption and practices of patronage often make access to public services illusory, rendering ineffective many efforts to overcome the challenges of informality and exclusion that characterize migrants' urban experience. Given these dynamics, a strategy purporting to protect migrants specifically, without addressing socio-economic inequality and insecurity more broadly, can be questioned.

Another focal point shaping our understanding of what sanctuary in the Americas can realistically entail are the limits to the reach and implementation of local policies of migrant protection. For example, the book addresses the effects of territorial boundaries and overlapping scales of intervention in metropolitan and regional contexts in light of migrants' conditions of access to the urban environment. This issue has not received sufficient attention in many contexts. For instance, the most progressive policies are often those implemented by the authorities of central cities, even though migration dynamics affect to an equal or greater extent the municipalities that form the outskirts of the urban regions, and which have fewer resources or political capacity for intervention. In addition, several chapters address an important issue, that of the awareness among migrant communities of policies created on their behalf, and the clarity of these measures for their beneficiaries. In some cases, a fully elaborated system of programs and services remain poorly understood by migrants arriving in the city, or even by the local population. Moreover, administration agents sometimes ignore some rights and provisions granted for the migrant population in their everyday practices, leading to misunderstandings about procedures and unnecessary complications. These issues also raise the question of whether specific policies for migrants are more or less efficient and appropriate than general policies involving access to housing, employment, health, or other urban resources. Indeed, a migrant is not a one-dimensional character, defined solely by a past or current state of mobility.

Interrogating practices of sanctuary in the Americas

The perspective of this book is thus to offer a critical reevaluation of urban sanctuary policies, embedded in their various national contexts, and to investigate the tensions that complicate their efforts. To do so, case studies on ten cities through North and Latin America have been gathered. From north to south, these cities are Toronto, Montreal, New York, Tucson, Austin, Tijuana, Mexico, San Jose in Costa Rica, Lima and Santiago de Chile. Our collection of studies does not claim to be representative of the "average" North or South American city experiencing immigration. The chapters include large cities and atypical examples throughout the Americas that cannot adhere to a general law

about local responses to migrant populations. National legislative frameworks being characterized by varying degrees of normativity and long-term stability, the public policy measures that emerge from them are more or less appropriate and effectively implemented. If the collection's explanatory power is limited by the variety of national and regional contexts that it explores, the findings on situations and processes, with their commonalities and differences, allow a more theoretical discussion on the shifting issues associated with the relationship between migration dynamics, public policy making and participation of social actors. Nevertheless, the book contributes evidence-based research to exchanges between researchers from a range of disciplines who study local, national, and international migration governance, stakeholders in urban migration and integration processes, and public policymakers attempting to address the challenges of migration.

The first part of the book consists of five chapters that analyze various manifestations of sanctuary policy in cities in English-speaking North America. In chapter 2, Cohen traces the emergence and development of popular and political support for migrant populations in Tucson, Arizona, the center of the original Sanctuary movement of the 1980s. Within a national context of increasing scrutiny of the United States' southern border, successive progressive governments have tried to negotiate the city's relationship to repressive legislation on the state level. Civil society organizations representing both Mexican and Central American migrants have played a significant role in shaping the terms of the immigration debate within the local chapter of the Democratic Party. However, the limits of municipal authority and the difficulty of mobilizing electors around the issue of sanctuary become clear in this study. Chapter 3, focusing on Austin, Texas, also addresses the complex articulation of shifting municipal and state policies towards immigration, developed amidst the conflicting demands of a growing immigrant rights movement and ardent anti-immigrant activists. Castillo shows that the evolution of the city of Austin's position was both a reactive process to the intervention of national security objectives in local law enforcement, as well as a strategy of constructing an internationally-orientated political environment for an increasingly progressive population of knowledge-economy workers. The implementation of policies of protection of the most vulnerable migrants, and of "welcome" towards the most desirable, reflect these distinct influences.

The two following chapters address these dynamics in a more recent Canadian context, where municipal leaders have struggled to translate messages of support and welcome towards international migrants into concrete policies of protection for the most vulnerable. In Chapter 4, Hudson offers an analysis of the obstacles that hinder implementation of a sanctuary ordinance in Toronto, Ontario, which aims to provide "access without fear" to municipal services. However, certain basic public services, such as education, are elusive for many irregular migrants, and the Toronto Police continue to collaborate with federal immigration authorities, making deportation a possible consequence of any arrest. Lack of regulatory authority and unwillingness to create conflict with provincial and federal government emerge as factors allowing an implicit promise of sanctuary to remain unfulfilled, despite the generally sympathetic views of the city's population and leaders towards migrants in need of protection. In Chapter 5, Atak gives an account of the adoption of an enthusiastic but vaguely-worded declaration of support for immigrant communities by the mayor of Montreal in 2017, partly in response to the divisive United States presidential campaign and election of 2016. Explicitly invoking the term of sanctuary, Montreal thus joined several other Canadian cities whose leaders had recently sought to disassociate municipal government and services from national deportation efforts. However,

in subsequent years it became evident that confusion around the distinctions between refugees, asylum seekers, and irregular migrants, lack of funding to address these populations' needs, and the fragmented nature of municipal services sharply limited the scope of the policy, prompting a change in nomenclature to "A Responsible and Committed City."

Returning to the U.S. context, in Chapter 6 Sanders turns to one of the oldest and most emblematic sanctuary cities in the country, New York, which became a target of national immigration enforcement during the Trump presidency. Recognizing the limits of existing strategies to constrain communication and cooperation with the federal government, municipal authorities, in close collaboration with civil society organizations, have strengthened alternative strategies in migrant protection. These include providing legal aid and widely disseminating information about individual rights. However, a separate and parallel trend towards the decriminalization of minor offenses for all New Yorkers has also reduced the risk of deportation for irregular migrants by shielding this population from the federal scrutiny now involved at all points of contact with the criminal justice system. This analysis thus juxtaposes migrant-specific policies of protection with more universal reforms, suggesting that efforts to provide sanctuary to immigrant residents will continue to evolve and to deploy various complementary strategies in the future.

The second part of the book examines urban policies of migration protection in Latin America. The first two chapters give examples of cities whose leaders have chosen to adopt a pro-immigrant stance, but in which a significant gap between discourse and the actual implementation of policies can be identified. In chapter 7, Arellano and Orrego address the case of Santiago de Chile, where policies concerning international migrants have emerged in a context of heightened national security and of national legislation inherited from the former military dictatorship. Through an analysis of the *Sello migrante* program implemented in the municipality of Quilicura, a place of settlement of Haitian and other foreign-born populations, the authors highlight the social and political implications as well as the limitations of a label granted by the federal government to municipalities that try to develop actions supporting migrant inclusion. Authors usefully place their analysis in the context of neoliberal policies — including migration management— and the social and urban fragmentation and segregation that affect Chilean as well as foreign populations. They also show a somewhat clientelistic migration policy, based on individual resourcefulness, rather than a real change of institutional and political frameworks that remain restrictive. In this context, *Sello Migrante* risks being a paternalistic award toward municipalities that have voluntarily assumed responsibility over migration issues. Faret analyzes another recent and evolving local response to migration in chapter 8 through the case of Mexico City, where a local hospitality policy has taken on a dimension that was unknown a decade ago in the country. Positions of political actors and programs implemented by Mexico City's administration have been ambitious and pioneering, backed by a renewed legislative framework and constitutional reforms that create new possibilities and responsibilities for urban elites. Nevertheless, migration contexts are in constant flux in Mexico, where return migration, emigration, transit migration and immigration are all at play. This questions the ability of urban actors to make a hospitable and inclusive city truly exist in the long run and be effective in the face of diverse and sometimes incompatible priorities. Based on a study of Central American migrant incorporation in the city, the chapter also discusses how high levels of vulnerability and invisibility contribute to migrants maintaining distance from institutions, especially when local welcoming discourse coexists with control and detention operations by national migration authorities.

The situation of border cities in northern Mexico, with their long histories of installation of Mexican population, transit migration and deportation, is the focus of chapter 9. Paris and Montes examine the contrasting reception contexts of two migrant groups upon their arrival in Tijuana: Haitian migrants during the second half of 2016, and Central American migrants moving in caravans in late 2018. The authors argue that civil society organizations and local authorities generated opposite framings and political actions towards the two groups, leading to the construction of distinct narratives which generated diverging public attitudes and political

actions. The visibility and positive perception of Haitian asylum seekers represented a new phenomenon, and solidarity encompassed only a short-term effort from the local population, as many Haitians were able to seek asylum in the United States or find employment in Tijuana. In contrast, broad media coverage surrounded the migrant caravans and depicted them as a new threat for urban equilibrium and stability, permitting xenophobic discourses by the general public and local authorities, as well as criticism of some solidarity organizations viewed as foreign and confrontational.

The last two chapters of the book address urban contexts where local authorities' responses to significant populations of migrants from neighboring countries have been mixed and sometimes lacking in political imagination. Chapter 10 focuses on San José in Costa Rica, a city that is home to the largest foreign immigrant population in Central America, and where immigrants are key actors of the national workforce. Morales draws on the concepts of urban fractures and social fragility to analyze the presence and incorporation of Nicaraguan migrants in the city. With the purpose of identifying how national and municipal immigration policies are designated, Morales points out that local welcoming policies are related to the country's political history of migration management, and that effective reception policies lead to individual migrants' active engagement in functional, moral, and symbolic integration efforts. But gaps in public policy persist, and immigrant groups remain largely invisible as socioeconomic actors, maintained in informal sectors and ostracized. This phenomenon is a manifestation of urban fragility, and of a weakened social fabric with limited consensus among urban residents and stakeholders. Finally, in Chapter 11, Berganza and Blouin address the situation of Lima, Peru, a capital city confronted with a massive influx of migrants, as the city is a major destination for Venezuelans fleeing the political and socio-economic situation of their country. As the authors show, public policies on migration have undergone numerous changes and setbacks in a very short time. Although the asylum legislation theoretically provides guarantees, few Venezuelans are actually recognized as refugees and there have been a series of restrictions on the right to claim asylum over the last year. Using the lens of national migration and asylum policies, as well as their local implementation, authors analyze how municipal authorities have reacted to these new migration patterns in various and sometimes contradictory ways, highlighting the lack of a comprehensive urban policy that would truly acknowledge the migrant population and its specificity.

The book engages with the question of urban practices of migrant protection from an interdisciplinary as well as a geographically de-centered perspective, gathering contributions that combine approaches from the disciplines of geography, law, political science, and sociology. This dialogue allows us to view these policies not only as a collection of programs that correspond to a set of rights, but also as part of complex processes of accommodation and incorporation whose success depends on the involvement of both migrants and receiving societies.

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