

Texas Anti-Sanctuary Law Blocked

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In a ruling that may help to diminish the fears of some undocumented individuals seeking aid in the aftermath of Hurricane Harvey, U.S. District Court Judge Orlando Garcia enjoined some key provisions of Texas' anti-sanctuary law, S.B. 4. *City of El Cenizo v. Texas and Texas v. Travis County, Civil No. SA-17-CV-404-OLG*. The law [was to become effective on September 1](#). The Judge found that there were possible preemption issues, as well as First Amendment violations.

According to the court, the bill did not have widespread public support. In fact, during the February 2, 2017, hearing in the Texas Senate, eight witnesses came out in support of it while over 1,600 individuals came out to oppose the bill. Many city leaders, public safety officers, and university officials called the legislation poorly drafted, unreasonable, impractical, and contrary to the public interest. Cities that also opposed the bill and joined the lawsuits against it include San Antonio, El Paso, Austin, Dallas, and Houston. After hearing of the court's ruling, the [Mayor of Houston tweeted](#):

"Happy to learn a federal judge blocked the Texas law aimed at making local police immigration enforcers. Need them for fighting local crime."

Based on the ruling, [localities will continue to be able to implement sanctuary policies](#). The State of Texas cannot:

- Require local agencies to comply with immigration detainer requests
- Ban local policies and practices that would limit the enforcement of immigration laws
- Stop local entities from preventing staffers to provide assistance in immigration enforcement efforts
- Punish local agency staffers from speaking out in favor of policies that limit immigration enforcement

According to the court, probable harms that could result from S.B. 4 include:

- Local officials, including state employees on college campuses, would be chilled by the fear of penalties for speaking out against immigration enforcement;
- Local law enforcement officials would lose some of their ability to allocate resources as they deemed necessary;
- The Hispanic community might anticipate racial profiling;
- Undocumented individuals and their families would be afraid to report crimes and cooperate

with local law enforcement; and

- Undocumented individuals might be afraid to send their children to school for fear of exposure.

Texas Governor Greg Abbott said that [he would file an appeal](#):

“Today’s decision makes Texas’ communities less safe. Because of this ruling, gang members and dangerous criminals, like those who have been released by the Travis County Sheriff, will be set free to prey upon our communities”

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