

June 23, 2006, 1:25AM

Phrase at center of policy debate

Two groups say Houston is a 'sanctuary city'; mayor, several lawyers disagree

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Houston Chronicle

The phrase "sanctuary city" does more than rally anti-illegal immigration activists and make city officials cringe — it causes confusion. The Houston Police Department for more than a decade have followed a policy that forbids them from asking people they encounter about their immigration status. But does that make Houston a "sanctuary city?"

The long-standing debate intensified this week when a group called Protect Our Citizens launched a petition drive to require a citywide November vote on the police policy.

Members of the group say the policy protects illegal immigrants to the point that it qualifies Houston as a "sanctuary city."

A report by the Congressional Research Service reached the same conclusion.

But some immigration lawyers say the HPD policy acts only as a limited form of protection for illegal immigrants, without giving them complete immunity, as the word "sanctuary" implies.

"A city that's a sanctuary means that there are no consequences, no effects, no taking into account the immigration status of the individual," said Isaias Torres, a Houston immigration attorney.

Protect Our Citizens, which hopes to collect 20,000 signatures before Sept. 1 to get its initiative on the ballot, wants an amendment to the city charter that explicitly would allow city police to enforce immigration laws, though it would not require them to.

Under existing policy, officers can only inquire about the immigration status of people accused of other violations.

City officials adamantly reject the "sanctuary" term, saying "sanctuary" means never asking certain questions or turning illegal immigrants over to federal authorities.

Local police are allowed to hand over suspects charged with crimes to immigration authorities. Federal law makes residing in the country without proper documentation a civil offense in most cases, not a criminal violation.

"Houston is not a sanctuary city," said Mayor Bill White. "The biggest concern on something like this is somebody trying to confuse the voters."

The term is used most often by those who oppose the Houston policy and similar ones in other locales.

But several cities, including Chicago and San Francisco, and smaller municipalities such as Cambridge, Mass., have declared themselves "sanctuary" cities, some in recent months as a response to the national debate over immigration.

Randy Capps, an immigration expert at the Washington-based Urban Institute, said how a city chooses to label itself reflects the local political climate.

"Declaring it that way is making more of a political statement," he said. "But there may be many practical reasons not to use local law enforcement to enforce immigration laws even without making that political statement."

Supporters of the HPD policy say it's essential to maintaining trust between law enforcement and the community. Police officials say they would need additional training to properly enforce federal law, and even if local officials were able to arrest suspected illegal immigrants, it's unlikely that federal officials would have room to house them in already crowded detention centers.

But local police may assist federal immigration authorities on criminal matters "of mutual concern" when the primary focus is something other than the suspects' immigration status, according to the document that defines the policy — General Order 500-05, dated June 25, 1992.

"I would not say we have a sanctuary policy," said Charles Foster, a Houston lawyer and a past president of the National Immigration Lawyers Association. "I think we have a common-sense policy, and we recognize that the police need to deal with matters within their jurisdiction."

Craig Nelsen, founder of ProjectUSA, a nonprofit that advocates ending illegal immigration, said he understands the term "sanctuary" to indicate that cities or local law enforcement agencies do not cooperate with immigration authorities.

"It's a very clever word for a practice that's just absolutely unacceptable," he said.

The Congressional Research Service, a nonpartisan arm of the U.S. House and Senate, listed Houston as one of several dozen sanctuary cities in a 2004 report on the enforcement of immigration law.

Austin, which also is on the list and has a police policy similar to Houston's, calls itself a "safety zone."

Many localities don't have a written policy at all.

That's the case in Katy, where police are forbidden from enforcing immigration laws but do not have a written policy to follow, according to Assistant Police Chief Bill Hastings. The policy was mandated by a court in 1994 after a federal lawsuit was filed when police picked up day laborers.

Houston's policy was detailed not only in the 1992 order, but also by Police Chief Harold Hurtt last summer when he explained it in an internal memo to his officers and supervisors.

The memo came after a planned trip by the Minuteman Civil Defense Corps prompted media coverage that described the policy as providing a "sanctuary."

"While such arguments make for interesting sound bites, they obviously do not accurately reflect the department's policy," he wrote.