



**Testimony of  
David J. Bier  
The Selz Foundation Chair in Immigration Policy  
at the Cato Institute  
Before  
the Committee on  
the Budget  
United States Senate**

**March 10, 2026**

**Re: "Sanctuary Cities: The Cost of Undermining Law and Order"**

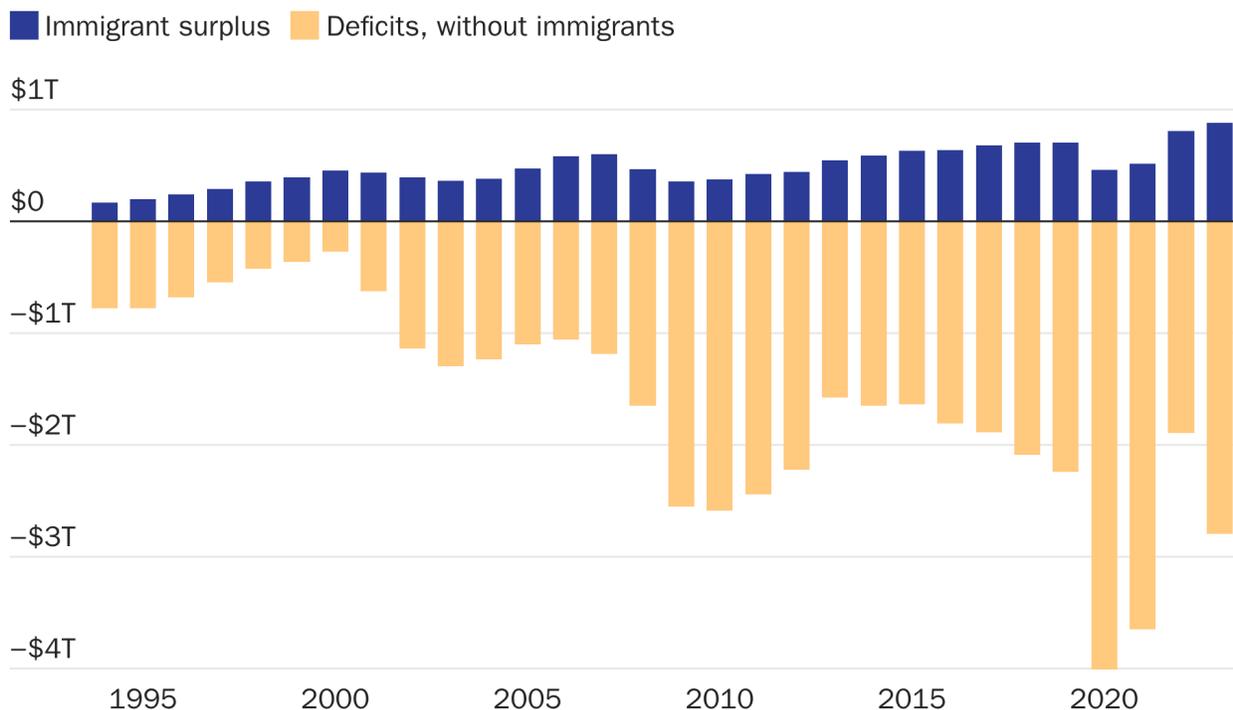
Chairman Graham, Ranking Member Merkley, and distinguished members of the Committee, thank you for the opportunity to testify.<sup>1</sup>

My name is David Bier. I occupy The Selz Foundation Chair in Immigration Policy at the Cato Institute, a nonpartisan public policy research organization in Washington, D.C. For nearly half a century, the Cato Institute has produced original research showing that people—whatever their ancestry, background, or birthplace—can benefit the United States when the Constitution’s principles of individual liberty and limited government are followed.

Immigrants come for freedom—freedom to work for us and with us, to improve our lives. As I have testified before this committee in the past, immigrants will play critical roles in America’s economic vitality in the future.<sup>2</sup> They work at higher rates and are nearly twice as likely to start businesses.<sup>3</sup> Cato’s research has shown that immigrants have reduced federal, state, and local government budget deficits by a combined \$14.5 trillion, including \$1.7 trillion from illegal immigrants, over the last 30 years.<sup>4</sup>

### Immigrants’ fiscal surplus has grown even as deficits have exploded

Net fiscal impact, immigrants and US population without immigrants, 2024 dollars, 1994–2023



Source: Calculations are based primarily on the Annual Social and Economic Supplements of the US Census Bureau’s Current Population Survey for March 1994–2023. See Appendix for full details.

Note: Includes interest savings from reduced debt in prior years.



### Cities are forced to deal with the fallout of Congress’s flawed immigration system.

Unfortunately, Congress has failed to update the legal immigration system in any meaningful way since 1990. As a result, only about 3 percent of those seeking lawful permanent resident status in the United States received green cards in 2024.<sup>5</sup> For people who are not close relatives of US citizens, the percentage is less than one percent.

Unfortunately, rather than fix this system, the current administration has undermined it, banning a majority of the few legal immigrants from abroad who were previously permitted to immigrate. That includes nearly all legally admitted refugees—except for South African Afrikaners—and about half of all immigrant visa applicants, including half of all spouses and minor children of US citizens.<sup>6</sup>

Congress's continual refusal to correct its past mistakes and legalize immigration has forced states and local governments to deal with the fallout of illegal immigration. America's cities benefit from the economic contributions of these immigrants, who are integrated into their communities as family members, friends, parishioners, workers, and employers. In some areas of the United States, as many as one in five people lives in a household with an illegal immigrant.<sup>7</sup> As a result, Congress and the president have forced these communities to choose between aiding federal law enforcement and tearing apart their cities.

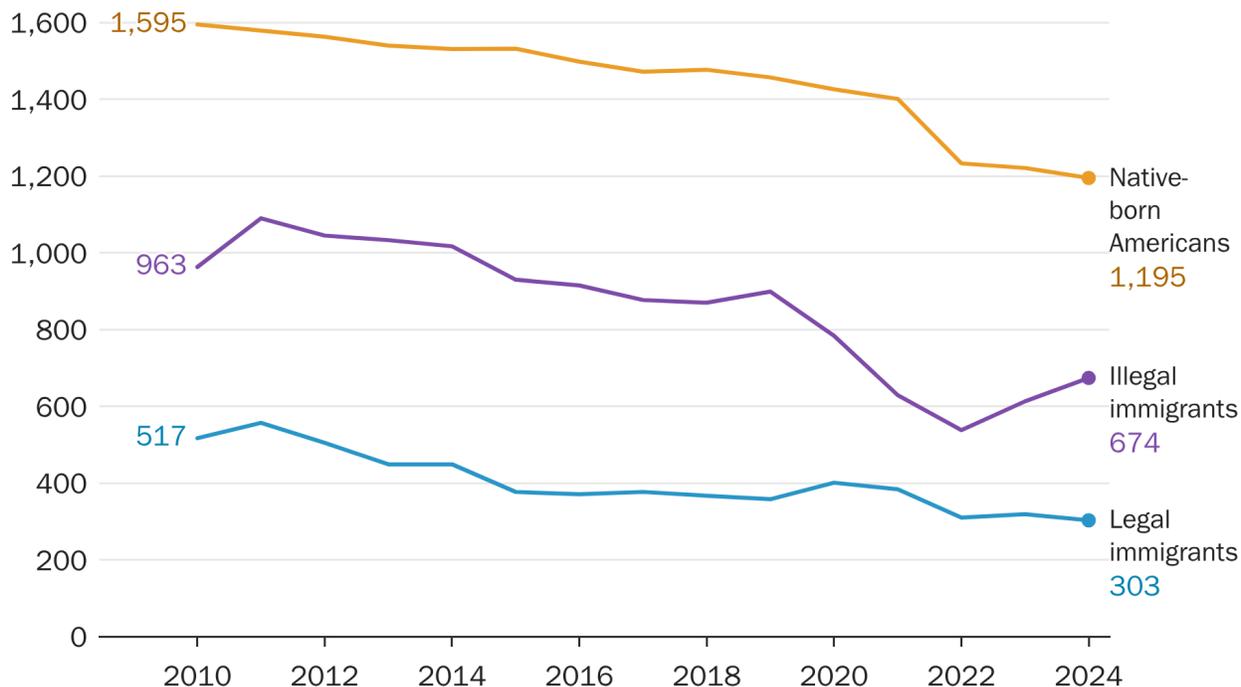
Noncitizens who threaten the lives and liberty of Americans should be prosecuted, convicted, imprisoned, and deported—whether they came in legally or not—and states may have a role to play in that effort. However, the federal government's focus on indiscriminate enforcement undermines trust and cooperation with municipalities. A better approach would require Immigration and Customs Enforcement (ICE) to concentrate its efforts on serious offenders so that localities could be confident about ICE's intentions when working with local officers.

#### **Cities have good reasons to limit participation in immigration enforcement.**

- *Illegal immigrants provide goods and services that improve the lives of Americans.* Mass deportation would cut US production by about 7 percent of Gross Domestic Product.<sup>8</sup> Illegal immigrants look after Americans' children, provide their health care, and care for them when they become elderly and disabled. Immigrants build and clean Americans' homes, harvest their fruits and vegetables, and process their meat and seafood. Mass deportation would crash local economies, creating a death spiral of lost consumers, closed businesses, and declining tax revenue.
- *Many Americans' jobs directly depend on illegal immigrant workers.* For instance, there are 33 million US-born Americans who are managers or supervisors for over 8 million unauthorized immigrant workers.<sup>9</sup>
- *Illegal immigrants are providers for US citizen family members.* There are over one million undocumented spouses of US citizens, and nearly 17 million US citizens share a household with an unauthorized immigrant.<sup>10</sup> Mass deportation would impoverish many of these families, cutting household income at least in half.<sup>11</sup>
- *Illegal immigrants supported state and local governments with more than \$37 billion in state and local tax revenue in 2022.*<sup>12</sup>
- *Illegal immigrants reduce crime rates by committing fewer crimes.* More than a dozen studies have found that immigration, including illegal immigration, is associated with less crime.<sup>13</sup> Illegal immigrants were half as likely to have committed an offense serious enough for them to be incarcerated in the United States in 2023.<sup>14</sup> In recent years, there has been a negative correlation between murders and immigration court filings in major US cities.<sup>15</sup>

## Immigrants, regardless of legal status, are less likely to be incarcerated

Subgroup incarceration rate per 100,000 residents, ages 18–54



Source: American Community Survey, 2024; Michelangelo Landgrave and Alex Nowrasteh, "Illegal Immigrant Incarceration Rates, 2010–2024," Cato Institute, 2026 (forthcoming).

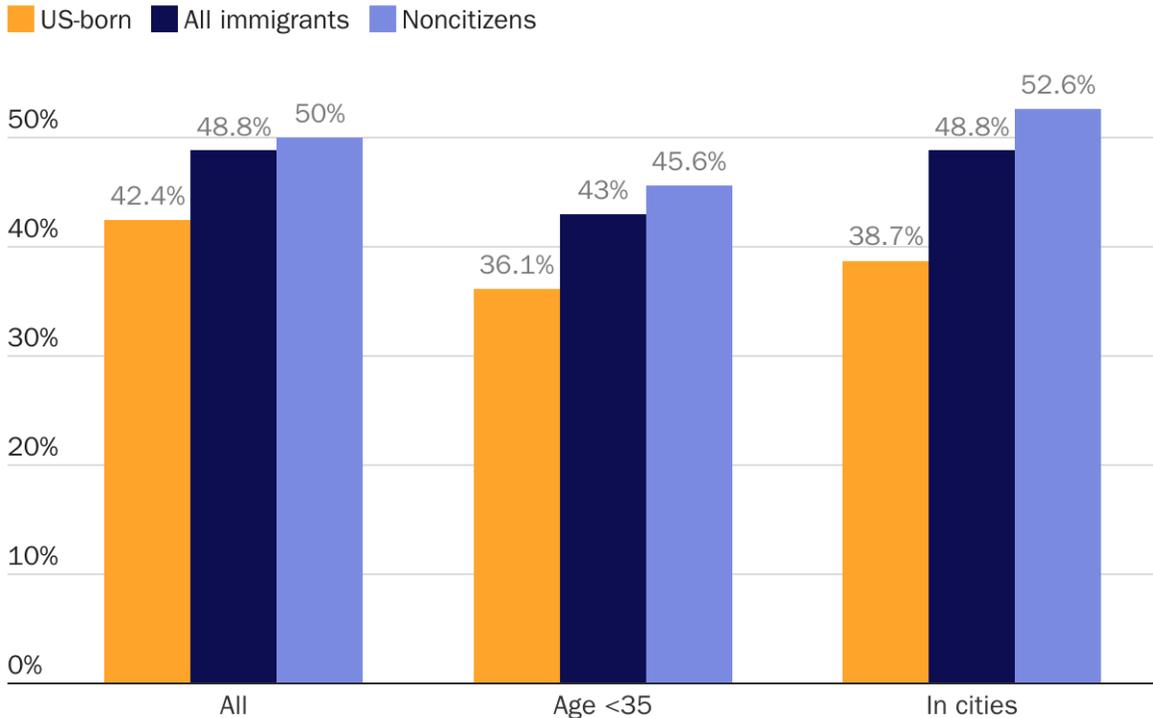


Fewer than half a million immigrants with criminal convictions of any kind were on ICE’s deportation docket in 2024—which is less than 3 percent of the roughly 14 million illegal immigrants.<sup>16</sup> Like parking violations, illegal presence in the United States is a civil offense, not a crime. Although ICE’s docket does not include every illegal immigrant convicted of anything, it consists of the vast majority. Regardless, 3 percent is a low share compared to the broader population. Roughly 30 percent of Americans have been arrested,<sup>17</sup> and about 8 percent have felony convictions.<sup>18</sup>

- *Illegal immigrants can directly stop crimes.* An unauthorized immigrant working as a convenience store nightwatchman stopped a burglary in Texas.<sup>19</sup> Another in New Mexico chased down a child abductor, safely returning a 6-year-old girl to her parents.<sup>20</sup> Two Venezuelan asylum seekers in New York City (Oswaldo Robles Lino and Josnan Alberto Palacios) stopped a stabbing in 2024.<sup>21</sup>
- *Illegal immigrants help solve crimes.* From 2017 to 2023, noncitizens—including illegal immigrants—reported 2.5 million crimes to police, reporting violent crimes at higher rates than US-born Americans.<sup>22</sup> Over the last decade, about 100,000 unauthorized immigrants have obtained legal status through their collaboration with law enforcement,<sup>23</sup> and local agencies have about 415,881 requests pending for unauthorized immigrants to receive legal status based on their cooperation with them right now.<sup>24</sup> Hispanics were somewhat more likely to report crimes in sanctuary cities from 1980 to 2004.<sup>25</sup>

## Crimes against immigrants are more likely to be reported to the police

Share of violent crimes reported by nativity, 2017–2023



Source: National Crime Victimization Survey (NCVS), Bureau of Justice Statistics.

Note: Differences with the US-born are statistically significant at the 95 percent confidence level.

- *Cities have more important law enforcement priorities.* In the United States, more than 40 percent of murders, about 60 percent of violent crimes, and 85 percent of property crimes go unsolved.<sup>26</sup> Mandating that police divert resources away from these offenses to enforce immigration status violations would make cities less safe. It prioritizes jail space for non-threatening individuals over addressing actual threats to the community. In Los Angeles, for instance, it costs over \$400 per day to hold someone in jail.<sup>27</sup>
- *Reasonable restrictions on aiding immigration enforcement do not increase crime.* A dozen studies have found that limits on participation in immigration enforcement do not lead to higher crime rates.<sup>28</sup> Sanctuary policies were associated with fewer assaults and burglaries after adoption in 2014.<sup>29</sup> There was no change in Florida counties that adopted sanctuary policies.<sup>30</sup> From 1999 to 2010, sanctuary policies had no effect on crime in those cities.<sup>31</sup> Cities that first participated in ICE’s “Secure Communities” jail surveillance program did not lead to decreases in crime relative to other cities.<sup>32</sup> “Sanctuary cities,” broadly defined, saw more significant decreases in both violent and property crimes from 2014 to 2016,<sup>33</sup> and they did not experience higher violent or property crime rates than other cities.<sup>34</sup> Additionally, California’s SB 54 did not increase crime rates.<sup>35</sup>

A limitation of this research is that it mostly predates many of the most restrictive policies on immigration enforcement participation, and it includes a diverse range of

policies. From 2010 to 2015, these policies did reduce deportations, but not of people with violent convictions.<sup>36</sup> This is an indication that those policies did not severely hamper ICE's efforts to target violent criminals during that period. Whether these conclusions hold true for more recently enacted policies remains to be studied.

Illegal immigrants could contribute more to their cities and the country if they had a permanent legal status and employment authorization. States and cities should never participate in immigration enforcement efforts targeting peaceful individuals.

### **The Constitution protects state autonomy.**

States have the independent authority to decide how their law enforcement agencies interact with federal immigration enforcement. Although regulating immigration falls solely under federal jurisdiction, and federal law is supreme, states may still determine how to allocate their resources and whether to assist in enforcing federal law.

Under the Constitution's federalist system, state governments are not creations of the federal government. Under the 10<sup>th</sup> Amendment, states retain all powers not delegated to the federal government. This system of "dual sovereignty" keeps the states directly accountable to their citizens for any actions that they take. State officials cannot claim that the federal government forced them to take any particular action.

As the Supreme Court stated in *Printz v. United States* (1997), "The power of the Federal Government would be augmented immeasurably if it were able to impress into its service—and at no cost to itself—the police officers of the 50 States."<sup>37</sup> The Supreme Court has extended this principle to include the use of federal monetary grants to coerce cooperation. *NFIB v. Sebelius* (2012) stated: "Congress may use its spending power to create incentives for States to act in accordance with federal policies. But when 'pressure turns into compulsion,' *ibid.*, the legislation runs contrary to our system of federalism."<sup>38</sup> In *Murphy v. National Collegiate Athletic Association* (2018), the Supreme Court clearly stated that: "Congress cannot issue direct orders to state legislatures."<sup>39</sup>

Moreover, several courts have found that it is unconstitutional for states to detain individuals solely at the request of ICE.<sup>40</sup> More than a dozen settlements have involved subjects of immigration detainees who were detained by localities.<sup>41</sup> This means that states and localities *cannot* lawfully arrest and detain someone merely on the basis of an immigration detainer request from the federal government without a court order supported by probable cause. Many states and cities are labeled "sanctuaries" simply for following these court decisions.

During its first term, the Trump administration attempted to impose new immigration reporting requirements for certain law enforcement grants. However, four of the five appeals courts that considered the issue found that those requirements were adopted unlawfully and unconstitutionally.<sup>42</sup> As the Seventh Circuit Court of Appeals wrote in 2020, "states do not forfeit all autonomy over their own police power merely by accepting federal grants."<sup>43</sup>

### **The administration sows mistrust between federal and local law enforcement.**

Notwithstanding these facts, the administration is attempting to bully state and local governments into compliance with its agenda.

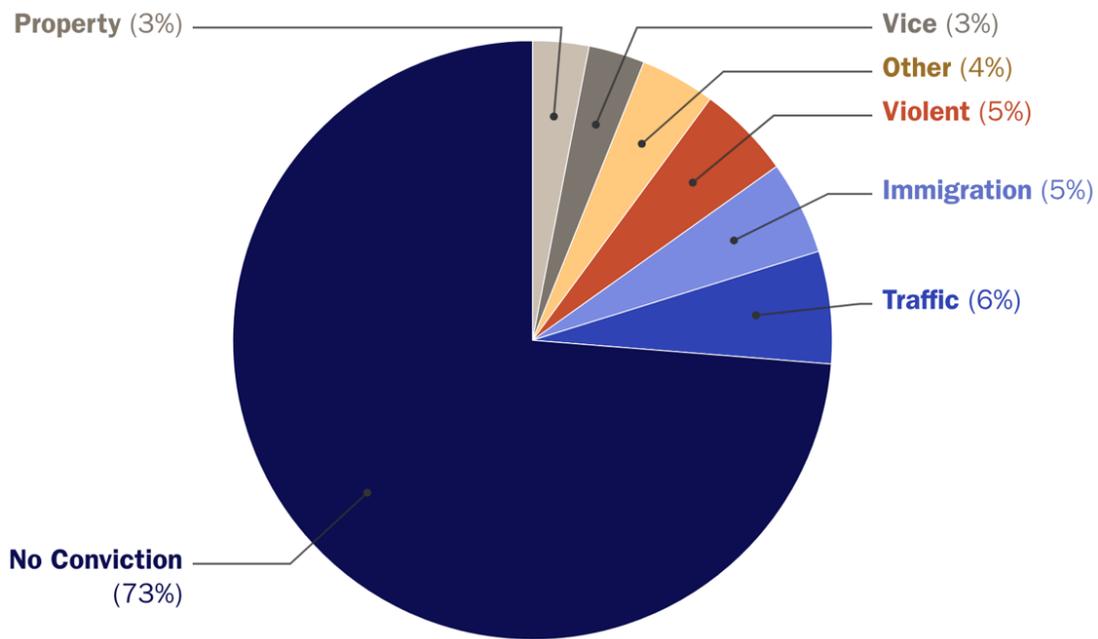
- *The administration is attempting to coerce state governments unconstitutionally.* The president has issued an executive order that attempts to block all federal grants to

municipalities that do not allocate their resources to help ICE.<sup>44</sup> His administration has sued Illinois and Chicago for refusing to help ICE, asserting that the president can mandate that they do what he wants,<sup>45</sup> but the case was dismissed.<sup>46</sup> The Department of Justice (DOJ) has also issued a memorandum requiring criminal investigations into state and local officials who fail to participate in federal enforcement.<sup>47</sup>

- *The administration is attempting mass deportation of peaceful immigrants.* President Trump signed an executive order removing requirements that ICE target public safety threats, and instead mandating that ICE and DOJ focus on immigration status violations.<sup>48</sup> In the most recent data showing the type of crimes, only 5 percent of people booked into detention had a violent criminal conviction, and 73 percent had no conviction.<sup>49</sup> Just as significantly, the Department of Homeland Security (DHS) itself classified just 10 percent of detainees as the highest threat level, and 72 percent of detainees were not deemed a threat at all.<sup>50</sup>

**Only 5 percent of individuals booked into ICE detention ever had a violent criminal conviction**

ICE book-ins into custody, by most serious conviction, FY 2026, Oct 1 - Nov 15, 2025



Source: Immigration and Customs Enforcement, “ICE Initial Book-Ins by Criminality and MSC: FY2025 YTD,” November 15, 2025. See Appendix Table A for classifications.

Convictions include convictions at any time, not just during the period listed.

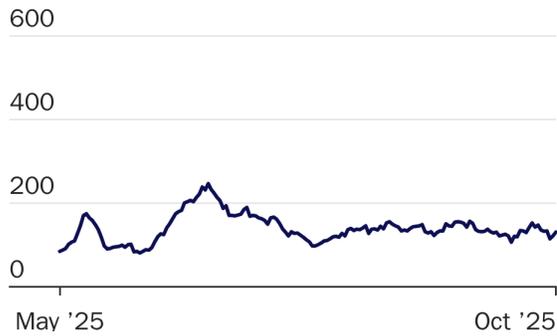


- *The administration’s crackdown on sanctuary cities is not catching many criminals.* In each case where DHS has conducted an enforcement surge operation in a sanctuary city, nearly all the increase in arrests came from individuals without criminal convictions. From the week prior to the peak week, 91 percent of the increase in ICE arrests came from non-convicts in Los Angeles; 95 percent in D.C.; 92 percent in Boston; and 88 percent in Chicago, though the data series ends before the peak in Chicago.

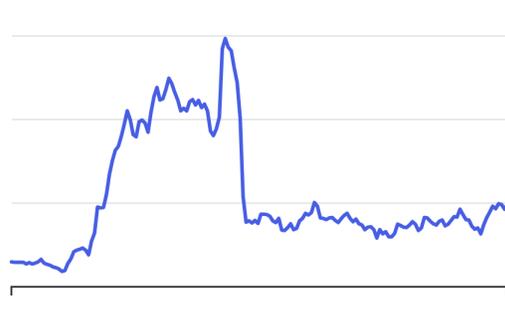
## Nearly all the increase in arrests during DHS surge operations are not criminals

ICE arrests, rolling weekly totals, May 1 - October 15, 2025

### LA convicts



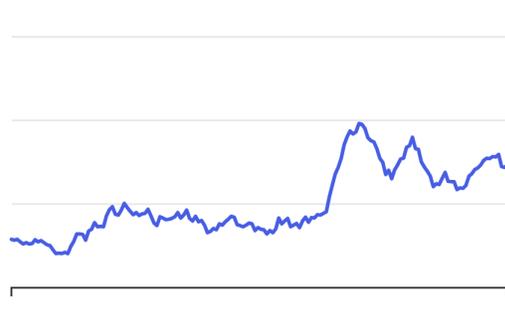
### LA no convictions



### DC convicts



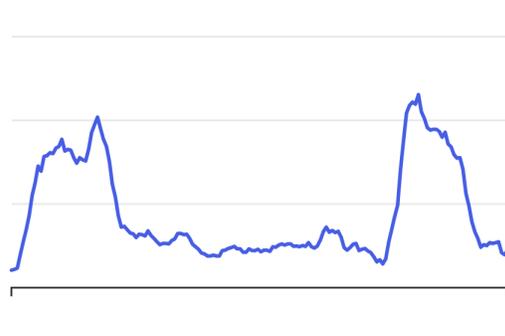
### DC no convictions



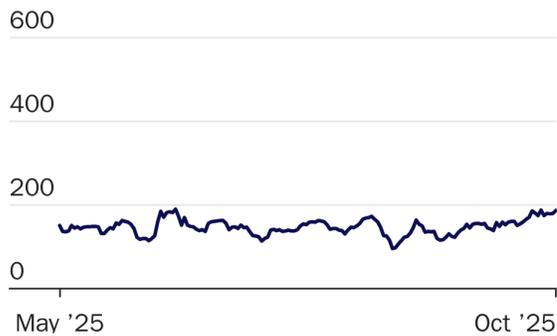
### Boston convicts



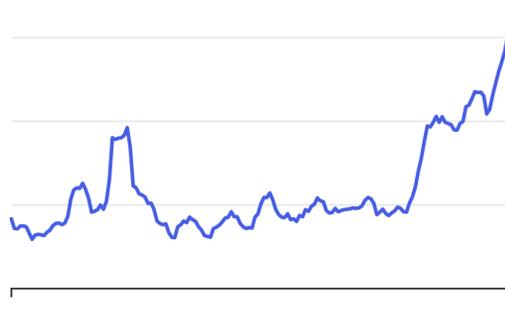
### Boston no convictions



### Chicago convicts



### Chicago no convictions



Source: Immigration and Customs Enforcement via Deportation Data Project FOIA request.

- *The administration is engaging in racial and demographic profiling of US citizens.* DHS agents detain, interrogate, and demand proof of residence from people on the street based on demographic profiling without evidence of a violation of the law. When this unconstitutional harassment was temporarily enjoined in Los Angeles, arrests fell by two thirds immediately after a court found it was illegal.<sup>51</sup> DHS appears not to track its use of profiling. But to give a sense of the prevalence of indiscriminate targeting of people on the streets, consider that by October 2025, more than one in four arrests were of immigrants on the streets—that is, outside of any facility, prison, jail, court, DHS office, etc.—who had no criminal conviction or charges and no final removal order. In other words, there was no reason for them to be approached by government agents on patrol. This policy ensnares many US citizens and legal residents. Fox News reported that ICE agents interrogated about ten people for every one person they arrested in Florida.<sup>52</sup>

### ICE relies heavily on indiscriminate arrests of immigrants on the streets

ICE arrests, rolling weekly totals, Jan 1 - October 15, 2025



Source: Immigration and Customs Enforcement via Deportation Data Project FOIA request.

Notes: Street arrests are defined as any arrest not in state or local custody, a jail, prison, police department, office, court, detention center, or other facility



- *The administration is targeting lawful immigrants for deportation.* DHS is ending parole and Temporary Protected Status for over two million immigrants who had legal status at the start of this administration.<sup>53</sup> ICE is arresting people with valid parole status and subjecting them to detention and expedited removal.<sup>54</sup>
- *The administration is attempting to arrest and deport US citizens.* The president signed an executive order that purports to strip US citizenship from, and render deportable, all children born to temporary legal residents and people without permanent legal status, despite the constitutional guarantee of birthright citizenship.<sup>55</sup>
- *The administration blames cities for its own failures:* DHS has said that it must make arrests on the streets because jails in Minneapolis and other sanctuary cities do not cooperate. DHS has failed to issue detainers for nearly 30 percent of the noncitizen inmates in Minnesota prisons, despite the prisons informing DHS of their presence and their willingness to coordinate transfers.<sup>56</sup> In one revealing instance, DHS erroneously arrested a US citizen on January 19 and claimed it was looking for another man who was

already in prison.<sup>57</sup> DHS has repeatedly claimed that the few criminal immigrants it has arrested in Minnesota were taken “off the streets” when, in fact, they were transferred directly from Minnesota prisons.<sup>58</sup> When ICE did arrest immigrant criminals outside of a jail or prison in Minnesota, it usually had nothing to do with a sanctuary policy.<sup>59</sup> In one case, for example, DHS claimed that a target was released by Minnesota officials when, in fact, he had been released by DHS officials under the first Trump administration and had no connection to cooperation with DHS’s current operation.<sup>60</sup>

- *The administration is entering homes of US citizens without judicial warrants.* DHS implemented a non-public policy of entering residences to make civil immigration arrests of people with administrative orders of removal. According to DHS Secretary Noem, DHS has already used this policy at least 28 times to enter homes.<sup>61</sup> One such raid resulted in the illegal arrest of a US citizen in Minnesota, who was dragged from his home in nothing but shorts in freezing weather.<sup>62</sup> This policy violates the Constitution, threatens Americans’ freedom, and creates unsafe, dangerous situations for DHS agents.
- *The administration does not follow its own use of force protocols:* The DHS agents who shot Renee Good three times violated standard police practices and DHS protocol by attempting to conduct an arrest without verifying that the vehicle was turned off, trying to stop a moving vehicle with their hands, walking in front of a moving vehicle, shooting at a moving vehicle, shooting at the driver of a moving vehicle, shooting despite no threat of death or serious bodily injury, and shooting despite the availability of a “safe alternative.”<sup>63</sup> The DHS agents who killed Alex Pretti threw a bystander to the ground who was not impeding their operations and then used deadly force despite the absence of an imminent threat of death or serious bodily injury and the availability of other options. Despite these facts, DHS has asserted that both shootings were justified and according to officer training.<sup>64</sup> DHS also shot a man who, according to an FBI affidavit, was 10 feet away and running away from the agent.<sup>65</sup> Similar shootings, like that of Marimar Martinez in Chicago, occurred in other sanctuary cities.<sup>66</sup>
- *The administration is arresting victims and witnesses of crimes.* In one of its first actions, this administration rescinded policies that instructed officers to look for indications that an immigrant was a victim before arresting them, and it announced, “Current beneficiaries of victim-based immigration benefits may be subject to civil immigration enforcement.”<sup>67</sup> In the months since, we have seen repeated cases of DHS arresting victims and witnesses of crimes.
  - In Iowa, ICE arrested Felipe Hernandez after he reported being shot during an attempted robbery before he had even healed.<sup>68</sup> Local police arrested him for a bench warrant based on an overdue traffic ticket and turned him over to ICE pursuant to state law.
  - In Michigan, ICE arrested Veronica Ramirez Verduzco after she reported an assault.<sup>69</sup>
  - In Kansas, ICE arrested U visa applicant, Jose Madrid-Leiva, despite having worked with police on a robbery case.<sup>70</sup>
  - In California, the Immigration Center for Women and Children filed a lawsuit on behalf of eight crime-victim U visa applicants who were arrested in 2025.<sup>71</sup> In a

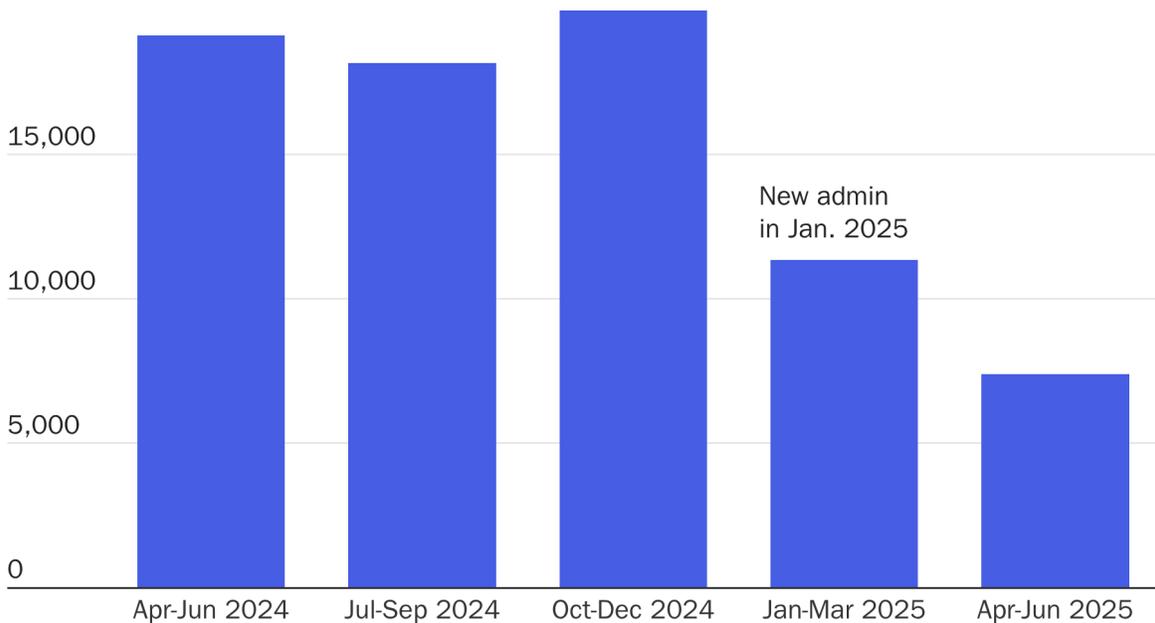
typical case, ICE had arrested a domestic violence survivor named Lupe who had lived in the United States for three decades and who had helped police successfully prosecute her attacker in 2017.

- In California, a judge ordered the release of Victor Amada Rodriguez-Flores, an immigrant crime victim and U visa applicant whom ICE had arrested.<sup>72</sup>
- In Texas, ICE arrested Oscar Bonilla after he agreed to help investigators crack a criminal case.<sup>73</sup> The Justice Department then criminally charged him for illegally entering the country.
- In Maine, local police notified Border Patrol about a man who was part of a group trying to stop a suicide attempt and who had called the police for help, and Border Patrol arrested him.<sup>74</sup>

These types of actions have led to an enormous decline in U visa applications for immigrant crime victims seeking status based on their cooperation with police. Filings have fallen by 63 percent from the last quarter of calendar year 2024 to the second quarter of 2025.<sup>75</sup> The administration has not published more recent statistics.

### **Immigrant crime victims who worked with the police filed 63% fewer applications in 2025**

U visa applications filed, April 2024 to June 2025



Source: USCIS, "All USCIS Application and Petition Form Types," 2024-2025



- *The administration is harassing, detaining, arresting, and killing people for protesting their activities.* DHS has detained or arrested numerous individuals for following, observing, and recording them, even though the Constitution protects every American's right to do so.<sup>76</sup> DHS Secretary Kristi Noem has said that it is "violence" to be "doxing" and "videotaping them where they're at when they're out on operations."<sup>77</sup> Not only do

DHS agents want to operate anonymously, with masks, no names, and often without even uniforms, they insist on threatening, detaining, and arresting people who observe, record, or protest their activities. Observers have recorded DHS agents threatening to “put hands on you and arrest you” if they “continue to follow us.”<sup>78</sup> One judge found an “ongoing, sustained pattern of conduct” where drivers were stopped without probable cause of a crime for “following federal law enforcement agents at a safe distance to observe the agents’ activity.”<sup>79</sup>

- *The administration is violating habeas corpus and ignoring court orders:* The Constitution guarantees all individuals in the United States the writ of habeas corpus, or the right to challenge their confinement in court. In thousands of cases, DHS has asserted that individuals have no right to seek release, and judges have overwhelmingly rejected these assertions.<sup>80</sup> Nonetheless, DHS has violated nearly 100 court orders to release people detained without bond in Minnesota alone.<sup>81</sup> DHS has violated court orders in dozens of other cases regarding different immigration matters as well, undermining the rule of law and the Constitution.<sup>82</sup>

The administration’s reckless assault on the rule of law in pursuit of indiscriminate mass deportation creates mistrust between immigrants and law enforcement and between state and local governments and the federal government. Congress should restore cooperation and trust by requiring that ICE target only serious criminal threats and work collaboratively with state and local governments on that mission.

### **Congress should not attempt to coerce states and cities into mass deportation.**

Unfortunately, rather than attempting to reestablish trust, Congress is considering legislation like S. 3805, the “End Sanctuary Cities Act of 2026,” that explicitly seeks to force states and localities into participation with mass deportation.<sup>83</sup>

- *S. 3805 is dangerously unconstitutional.* It would set a precedent that the federal government could force state and local officials to implement any policy in any area—from crime and guns to vaccines and the environment. As the Supreme Court has warned, this action would erode federalism and local accountability, turning the states into agencies of the federal government rather than sovereign states responsible to their own voters.
- *S. 3805 criminalizes officials for routine law enforcement prioritization.* Every municipality and state must decide which individuals to arrest, hold, or release. They make these decisions every day based purely on public safety concerns. S. 3805 would impose criminal penalties for failing to participate in civil immigration enforcement, even at the expense of local officials’ broader public safety concerns.
- *S. 3805 imposes unfunded mandates and liabilities on states and localities.* In addition to the risk of lawsuits, S. 3805 requires state and local governments to allocate their criminal law enforcement resources to engage in deportation efforts, without providing any additional funds to states and localities to carry out the mandate. Local police already struggle to keep pace with America’s high crime rates. They do not need additional burdens imposed—especially when Congress refuses to pay for those burdens.
- *S. 3805 mandates local law enforcement violate the Constitution and court orders.* S. 3805 mandates that cities give ICE at least 48 hours’ notice prior to releasing anyone.

This would force law enforcement to violate court orders and settlements stating that local police cannot detain people solely based on immigration detainers, as this is an arrest without probable cause. It will also force them to ignore state and local judges who grant bail to defendants pending trial. This would cause them to violate their own laws and state constitutions. Moreover, since many US citizens have been targeted by ICE detainers, the bill would effectively mandate that US citizens be detained even if they have evidence of US citizenship.<sup>84</sup>

- *S. 3805 targets city officials who follow state policies over which they have no control.* Officials in every jurisdiction in at least 14 states will become targets for criminal prosecutions under S. 3805, even though they had no choice but to adopt the policies that the bill targets because state laws preempt local laws.<sup>85</sup>
- *S. 3805 raises the threat of criminal liability for local police for every criminal arrest that they make.* If someone they arrest turns out to be someone sought by ICE, local officials would face a choice between violating state or federal law. In this situation, agencies may choose to make fewer arrests than they otherwise would make solely based on public safety concerns.

Congress should be investigating and stopping the current constitutional violations in immigration policy, not enacting new ones. Instead, Congress should follow the advice of the Major City Chiefs Association: “The decisions related to how local law enforcement agencies allocate their resources, direct their workforce and define the duties of their employees to best serve and protect their communities must be left in the control of local governments.”<sup>86</sup> While Congress may not always agree with state and local decisions about how to allocate their resources, their officials are better equipped to prioritize those resources than the federal government.

### **Immigration enforcement should focus on high-priority targets.**

To restore the rule of law, maintain accountability, and restore trust with states and cities across the country, Congress should:

1. Order the administration to prioritize deportable criminal threats for removal;
2. Prohibit wearing masks and require federal agents to identify themselves;
3. Ban racial profiling and require federal agents to obtain warrants for specific individuals based on probable cause of a violation of the law prior to making arrests;
4. Reinforce current law that prohibits interrogating U.S. citizens about their status;
5. Require Border Patrol to patrol within a 10-mile radius of land borders;
6. Create a private right of action for violations of constitutional rights by federal agents;
7. Explicitly prohibit qualified immunity defenses for constitutional violations;
8. Prohibit threats or arrests in retaliation for First Amendment-protected activity;
9. Explicitly permit states and localities to investigate crimes committed by federal agents;
10. Allow states to sue the federal government for violations of their residents’ rights; and
11. Permit nationwide injunctive relief by courts for policies violating federal law.

## Citations

- <sup>1</sup> Much of this testimony was previously presented in other congressional hearings
- <sup>2</sup> David J. Bier, "[Unlocking America's Potential: How Immigration Fuels Economic Growth and Our Competitive Advantage](#)," Committee on Budget, U.S. Senate, September 13, 2023.
- <sup>3</sup> David J. Bier, "[Unlocking America's Potential: How Immigration Fuels Economic Growth and Our Competitive Advantage](#)," Committee on Budget, U.S. Senate, September 13, 2023.
- <sup>4</sup> Bier, David J., Michael Howard, and Julián Salazar. "[Immigrants' Recent Effects on Government Budgets: 1994–2023](#)," White Paper, Cato Institute, Washington, DC, February 3, 2026.
- <sup>5</sup> David J. Bier, "[Green Card Approval Rate Reaches Record Lows](#)," Cato Institute Briefing Paper no. 173, February 15, 2024.
- <sup>6</sup> David J. Bier, "[New Ban Bars Half of Legal Immigrants, Even Citizens' Spouses & Kids](#)," Cato Institute, January 2026.
- <sup>7</sup> There is about one non-illegal immigrant household member for every 1 illegal immigrant. Passel, Jeffrey S., and D'Vera Cohn. 2018. [U.S. Unauthorized Immigrant Total Dips to Lowest Level in a Decade](#). Washington, DC: Pew Research Center. November 27, 2018.
- There are about 20 entire counties with illegal immigrant populations that are 9 percent of the population or more. Migration Policy Institute. 2026. "[Unauthorized Immigrant Population Profiles](#)." Migration Policy Institute Data Hub.
- <sup>8</sup> Anjali V. Bhatt, et al., "[Mass deportations would harm the US economy](#)," *Peterson Institute for International Economics*, September 26, 2024.
- <sup>9</sup> American Community Survey, 1-year, 2023; and Jennifer Van Hook, Ariel G. Ruiz Soto, and Julia Gelatt, "[The Unauthorized Population Expands amid Record US-Mexico Border Arrivals](#)," *Migration Policy Institute*, February 2025.
- <sup>10</sup> "[US Citizen Children Impacted by Immigration Enforcement](#)," *American Immigration Council*, June 24, 2021; Ajay Chaudry, et al., "[Facing Our Future: Children in the Aftermath of Immigration Enforcement](#)," *The Urban Institute*, February 2010.
- <sup>11</sup> Matthew Lisiecki and Gerard Apruzzese, "[Proposed 2024 Mass Deportation Program Would Socially and Economically Devastate American Families](#)," *Center for Migration Studies*, October 10, 2024.
- <sup>12</sup> "[State and Local Tax Contributions by Undocumented Immigrants](#)," *Institute on Taxation and Economic Policy*, August 1, 2024.
- <sup>13</sup> Tim Wadsworth, "[Is Immigration Responsible for the Crime Drop? An Assessment of the Influence of Immigration on Changes in Violent Crime Between 1990 and 2000](#)," *Social Science Quarterly* 91, no. 2 (2010): 531–53.
- Jacob I. Stowell, et al., [Immigration and The Recent Violent Crime Drop in The United States: A Pooled, Cross-Sectional Time-Series Analysis of Metropolitan Areas](#). *Criminology*, 47 (2009): 889-928.
- R.J. Sampson, "[Rethinking Crime and Immigration](#)," *Contexts*, 7, no. 1 (2008): 28-33.
- Garth Davies and Jeffrey Fagan, "[Crime and Enforcement in Immigrant Neighborhoods: Evidence from New York City](#)," *The ANNALS of the American Academy of Political and Social Science*, 641, no. 1 (2012): 99-124.
- Lee, Matthew T., Ramiro Martinez, and Richard Rosenfeld. "[Does Immigration Increase Homicide? Negative Evidence from Three Border Cities](#)," *The Sociological Quarterly* 42, no. 4 (2001): 559–80.
- Lesley Williams Reed, et al., "[The immigration–crime relationship: Evidence across US metropolitan areas](#)," *Social Science Research* 34 no. 4 (2005): 757-780.
- Ben Feldmeyer, et al., "[More immigrants, less death: An analysis of immigration effects on county-level drug overdose deaths, 2000–2015](#)," *Criminology*, 60 (2022): 667–699.
- Ben Feldmeyer, "[Immigration and violence: the offsetting effects of immigrant concentration on Latino violence](#)," *Social Science Research* 33 no. 3 (2009): 717-31.
- Michael T. Light and Ty Miller, "[Does Undocumented Immigration Increase Violent Crime?](#)" *Criminology*, 56 (2018): 370-401.
- Graham C. Ousey and Charis E. Kubrin, (2009). "[Exploring the connection between immigration and violent crime rates in U.S. cities, 1980–2000](#)," *Social Problems* 56, no. 3 (2009): 447–473.

- 
- Christopher J. Lyons, María B. Vélez, and Wayne A. Santoro. "[Neighborhood Immigration, Violence, and City-Level Immigrant Political Opportunities](#)," *American Sociological Review* 78, no. 4 (June 17, 2013): 604–32.
- Min Xie and Eric P. Baumer, "[Reassessing the Breadth of the Protective Benefit of Immigrant Neighborhoods: A Multilevel Analysis of Violence Risk by Race, Ethnicity, and Labor Market Stratification](#)," 2018.
- Ramiro Martinez, Jr., et al. "[Immigration and Crime in an Era of Transformation: A Longitudinal Analysis of Homicides in San Diego Neighborhoods, 1980-2000](#)" *Criminology* 48, no. 3 (2010): 797-830.
- <sup>14</sup> *Hearing on Given the Green Light: Open Border Policies and Threats to Law Enforcement, Before the Committee on Homeland Security, Subcommittee on Emergency Management and Technology*, 118<sup>th</sup> Cong. 2<sup>nd</sup> Sess.(December 10, 2024) ([statement](#) of David J. Bier, Director of Immigration Studies, Cato Institute).
- <sup>15</sup> *Hearing on Given the Green Light: Open Border Policies and Threats to Law Enforcement, Before the Committee on Homeland Security, Subcommittee on Emergency Management and Technology*, 118<sup>th</sup> Cong. 2<sup>nd</sup> Sess.(December 10, 2024) ([statement](#) of David J. Bier, Director of Immigration Studies, Cato Institute).
- <sup>16</sup> Patrick J. Lechleitner, "[Letter to the Honorable Tony Gonzales](#)," *US Immigrations and Customs Enforcement*, September 25, 2024.
- <sup>17</sup> Robert Brame, et al., "[Cumulative Prevalence of Arrest From Ages 8 to 23 in a National Sample](#)," *Pediatrics* 129, no. 1 (2012): 21–27.
- Joe Craven McGinty, "[How Many Americans Have a Police Record? Probably More Than You Think](#)," *Wall Street Journal*, August 7, 2015.
- <sup>18</sup> Sarah K. S. Shannon, et al., "[The Growth, Scope, and Spatial Distribution of People With Felony Records in the United States, 1948–2010](#)," *Demography* 54 (2017): 1795–1818.
- <sup>19</sup> David Bier, "[Donald Trump Is Wrong—Immigrants Don't Commit More Crimes](#)," *Time*, September 2016.
- <sup>20</sup> Jeri Clausing, "[Man who saved girl says he's illegal immigrant](#)," *NBC News*, August 2011.
- <sup>21</sup> Louis Finley, "NYPD honors migrants with award for stopping stabbing suspect," *Spectrum News NY1*, August 20, 2024.
- <sup>22</sup> Bier, David J., and Julián Salazar. "[Immigrants Cut Victimization Rates, Boost Crime Reporting](#)," Policy Analysis no. 1003, Cato Institute, Washington, DC, August 26, 2025.
- <sup>23</sup> There is an annual cap of 10,000 U visas.
- <sup>24</sup> "[Number of Service-wide Forms Fiscal Year To Date](#)," USCIS, June 2025.
- <sup>25</sup> Ricardo D. Martínez-Schuldt and Daniel E. Martínez, "[Immigrant Sanctuary Policies and Crime-Reporting Behavior: A Multilevel Analysis of Reports of Crime Victimization to Law Enforcement, 1980 to 2004](#)," *American Sociological Review* 86, no. 1 (2021): 154-185.
- <sup>26</sup> [Preliminary Data Points to Small Improvements in Clearance Rates Nationally in 2024](#)
- <sup>27</sup> Bryant, Erica. [The United States Criminalizes People Who Need Health Care and Housing: Why We Should Spend More on Public Health and Less on Jails and Prisons](#). Vera Institute of Justice, October 17, 2023.
- <sup>28</sup> Daniel E. Martínez, Ricardo D. Martínez-Schuldt, and Guillermo Cantor, "[Providing Sanctuary or Fostering Crime? A Review of the Research on 'Sanctuary Cities' and Crime](#)," *Sociology Compass* 12, no. 1 (January 2018).
- <sup>29</sup> Dale T. Manning and Jesse Burkhardt, "[The local effects of federal law enforcement policies: Evidence from sanctuary jurisdictions and crime](#)," *Contemporary Economic Policy* 40, no. 3 (July 2022): 423–438.
- <sup>30</sup> Alex Nowrasteh and Andrew C. Forrester, "[Sanctuary Jurisdictions in Florida Do Not Have Higher Crime Rates](#)," *Cato at Liberty* (blog), March 29, 2019.
- <sup>31</sup> Yuki Otsu, "[Sanctuary Cities and Crime](#)," October 4, 2021.
- <sup>32</sup> Miles, Thomas J., and Adam B. Cox. "[Does Immigration Enforcement Reduce Crime? Evidence from Secure Communities](#)." *The Journal of Law and Economics* 57, no. 4 (November 2014): 937–973.
- <sup>33</sup> Marta Ascherio, "[Do sanctuary cities increase crime? Contrary evidence from a county-level investigation in the United States](#)," *Social Science Research* 106 (August 2022).
- <sup>34</sup> Adam R. Schutt, "[Sanctuary Cities and Their Respective Effect on Crime Rates](#)," *Undergraduate Economic Review* 16 no. 1, Article 20 (2019).
- <sup>35</sup> Charles E. Kubrin and Bradley J. Bartos, "[Sanctuary Cities and Crime in California: What's the Connection?](#)" *Justice Evaluation Journal* 3, no. 2 (April 2020) 115-133.
- <sup>36</sup> David K. Hausman, "[Sanctuary policies reduce deportations without increasing crime](#)," *Proc. Natl. Acad. Sci. U.S.A* 117, no. 44 (October 19, 2020): 27262-27267.
- <sup>37</sup> *Printz v. United States*, 521 U.S. 898 (1997).
- <sup>38</sup> *National Federation of Independent Business v. Sebelius*, 567 U.S. 519 (2012).
- <sup>39</sup> *Murphy v. National Collegiate Athletic Association*, No. 16-476, 584 U.S. 453 (2018)

- 
- <sup>40</sup> [Cisneros v. Elder](#), 522 P.3d 255 (Colo. Ct. App. 2022); [Galarza v. Lehigh County](#), No. 12-3991 (2014); [Miranda-Olivares v. Clackamas County](#), Case No. 3:12-cv-02317-ST (D. Or. Apr. 11, 2014); [Morales v. Chadbourne](#), 793 F.3d 208 (1st Cir. 2015); [Jimenez Moreno et al v. Napolitano et al](#), Case No. 11 C 5452 (September 30, 2016).
- <sup>41</sup> “[Local jurisdictions remain legally vulnerable for honoring ICE detainees](#),” *ACLU*, April 3, 2018. See also: Luis Ferre-Sadurni, “New York City to Pay \$92.5 Million to Improperly Detained Immigrants,” *New York Times*, Dec. 18, 2024.
- <sup>42</sup> 1<sup>st</sup>: [City of Providence v. United States Department of Justice](#), No. 19-1802 (1st Cir. 2020).  
3<sup>rd</sup>: [City of Philadelphia v. Attorney General of the U.S.A.](#), No. 18-2648 (3<sup>rd</sup> Cir. 2018).  
7<sup>th</sup>: [City of Chicago v. Barr](#), No. 19-3290 (7th Cir. 2020).  
9<sup>th</sup>: [City of Los Angeles v. Barr](#), No. 18-56292 (9th Cir. 2019).  
2<sup>nd</sup>: [New York v. United States Department of Justice](#), No. 19-267 (2d Cir. 2020).  
<sup>43</sup> [City of Chicago v. Barr](#), No. 19-3290 (7th Cir. 2020).
- <sup>44</sup> See Sec. 17: “Executive Order of January 20, 2025, [Protecting the American People Against Invasion](#).”
- <sup>45</sup> Joel Rose, “[Justice Department sues Chicago and Illinois over ‘sanctuary’ laws](#),” *NPR.org*, February 6, 2025. [https://storage.courtlistener.com/recap/gov.uscourts.ilnd.473062/gov.uscourts.ilnd.473062.86.0\\_1.pdf](https://storage.courtlistener.com/recap/gov.uscourts.ilnd.473062/gov.uscourts.ilnd.473062.86.0_1.pdf)
- <sup>46</sup> “[Sanctuary Jurisdiction Directives](#),” *Office of the Attorney General*, February 5, 2025;
- <sup>47</sup> [Cities of Chelsea and Somerville v. Donald J. Trump et al](#), Case No. 25-10442 (Mass. Dist. Ct 2025)
- <sup>48</sup> “Executive Order of January 20, 2025, [Protecting the American People Against Invasion](#).”
- <sup>49</sup> <https://www.cato.org/blog/5-ice-detainees-have-violent-convictions-73-no-convictions>
- <sup>50</sup> <https://www.cato.org/testimony/re-somali-fraud-minnesota-tip-iceberg#dhs-not-targeting-immigrant-criminals-minnesota-or-elsewhere>
- <sup>51</sup> David J. Bier, “[Anti-Profiling Court Order Cuts LA ICE Arrests 66.0%](#),” *Cato at Liberty Blog*,
- <sup>52</sup> Fox News, “[Fox News gets exclusive ride-along with ICE in Central Florida](#),” May 14, 2025.
- <sup>53</sup> Daniel Seiden, “[Trump Sued Over Ending Protections for Haitians, Venezuelans \(2\)](#),” *Bloomberg Law*, March 3, 2025.
- <sup>54</sup> Ben Brown, “[ICE arrests Arizona man with legal work permit and active parole status](#),” *ABC15*, February 28, 2025; Benjamin C. Huffman, “[Guidance Regarding How to Exercise Enforcement Discretion](#),” *US Department of Homeland Security*, January 23, 2025.
- <sup>55</sup> “Executive Order of January 20, 2025, [Protecting the Meaning and Value of American Citizenship](#).”
- <sup>56</sup> Nicole Sganga and Seiji Yamashita, “[Feds told Minnesota officials, ‘Let us into your prisons.’ A top prison official says the state has been doing so](#),” *CBS News*, February 4, 2026
- <sup>57</sup> Joe Augustine, “[Records Undercut ICE Claims That Minnesota Jails, Prisons Release ‘Worst of the Worst’](#),” *FOX 9 Minneapolis-St. Paul*, January 24, 2026
- <sup>58</sup> Minnesota Department of Corrections, “[Minnesota Department of Corrections Releases New Evidence Showing DHS Is Publishing False Arrest Claims at Scale](#),” *Minnesota DOC News Releases*, January 26, 2026
- <sup>59</sup> Joe Augustine, “[Records Undercut ICE Claims That Minnesota Jails, Prisons Release ‘Worst of the Worst’](#),” *FOX 9 Minneapolis-St. Paul*, January 24, 2026
- <sup>60</sup> Jeff Wald, “[Minneapolis shooting: Saturday’s target was in ICE custody in 2018](#),” *FOX 9 Minneapolis-St. Paul*, January 25, 2026
- <sup>61</sup> In response to questions by Rep. Thomas Massie: “[Homeland Security Secretary Noem Testifies on Agency Oversight Hearing](#),” Judiciary Committee, March 4, 2026.
- <sup>62</sup> “A U.S. Citizen Says ICE Forced Open the Door to His Minnesota Home and Removed Him in His Underwear After a Warrantless Search.” *PBS NewsHour*, <https://www.pbs.org/newshour/nation/a-u-s-citizen-says-ice-forced-open-the-door-to-his-minnesota-home-and-removed-him-in-his-underwear-after-a-warrantless-search>
- <sup>63</sup> U.S. Department of Homeland Security, “[Department Policy on the Use of Force \(Management Directive 044-05\)](#),” September 7, 2018
- <sup>64</sup> U.S. House of Representatives, Committee on Oversight and Government Reform, “[Operation Metro Surge: How Federal Enforcement Led to the Killings of Renée Good and Alex Pretti](#),” (Interim Staff Analysis), February 3, 2026
- <sup>65</sup> Renee Hickman, Ted Hesson, Brad Heath and Kristina Cooke, “[Evidence Contradicts Trump Immigration Officials’ Accounts of Violent Encounters](#),” *Reuters*, January 28, 2026
- <sup>66</sup> Franza, Sabrina, and Asal Rezaei. “[New Marimar Martinez Shooting Evidence Shows Border Patrol Agent Joked in Aftermath, Was Praised by Bovino](#).” *CBS News Chicago*, 11 Feb. 2026.

- 
- <sup>67</sup> U.S. Immigration and Customs Enforcement. Policy 11005.4 <https://www.ice.gov/doclib/foia/policy/11005.4.pdf>
- <sup>68</sup> “[After Rescinding Protections, ICE Is Moving to Deport More Immigrants Who Were Victims of Crime.](#)” Associated Press, 2025.
- <sup>69</sup> “[She Told Michigan Cops She Was Attacked. Now She Faces Deportation.](#)” Detroit Free Press, March 28, 2025.
- <sup>70</sup> Irwin, Zane. “[Authorities Told This Kansas Immigrant He Was Protected. ICE Detained Him Anyway.](#)” KCUR (Kansas City Public Radio), May 27, 2025 (corrected May 27, 2025).
- <sup>71</sup> [Immigration Center for Women and Children v. Kristi](#) (2:25-cv-09848) District Court, C.D. California (2025).
- <sup>72</sup> [Rodriguez-Flores v. Semaia](#), No. CV 25-6900 JGB (JCx), Civil Minutes—General (order granting ex parte application for temporary restraining order and issuing preliminary injunction), 1–8 (C.D. Cal. Aug. 14, 2025).
- <sup>73</sup> Tahui Gómez, Emiliano. “[‘Unprecedented Levels’: Record Number of Immigrants in Austin, US Face Re-Entry Charges, Raising Resource Concerns.](#)” *Austin American-Statesman*. June 30, 2025. Archived at Archive.today.
- <sup>74</sup> *Wu v. Stamper*, No. 1:26-cv-00090-SDN, [Order Granting Petition for Writ of Habeas Corpus](#) (D. Me. Mar. 4, 2026).
- <sup>75</sup> “[Number of Service-wide Forms Fiscal Year To Date.](#)” USCIS, June 2025.
- <sup>76</sup> David J. Bier, “[DHS Policy of Threatening and Arresting ICE Observers Violates Their Rights.](#)” *Cato Institute*, 2025.
- <sup>77</sup> “[Secretary Kristi Noem Addresses Surge in Attacks on ICE Agents in Tampa.](#)” KFOX-TV, July 13, 2025.
- <sup>78</sup> David J. Bier (@David J Bier), [post on X \(formerly Twitter\), 2025.](#)
- <sup>79</sup> [Tincher v. Noem, Order, U.S. District Court for the District of Minnesota, filed 2025.](#)
- <sup>80</sup> Kyle Cheney, “[Hundreds of Judges Reject Trump’s Mandatory Detention Policy, With No End in Sight.](#)” POLITICO, January 5, 2026. One appeals court in a split decision sided with the administration on this question, but it does not apply to Minnesota.
- <sup>81</sup> Alan Feuer, “[Judge in Minnesota Says ICE Has Violated Nearly 100 Court Orders.](#)” *New York Times*, January 28, 2026, archived January 29, 2026.
- <sup>82</sup> David J. Bier, “[The Administration Misleads & Ignores Courts Most Often in Immigration Cases.](#)” *Cato Institute* (Cato at Liberty blog), January 27, 2026.
- <sup>83</sup> <https://www.congress.gov/bill/119th-congress/senate-bill/3805>
- <sup>84</sup> David J. Bier, [U.S. Citizens Targeted by Immigration and Customs Enforcement in Texas](#), Immigration Research and Policy Brief no. 8 (Washington, DC: Cato Institute, August 29, 2018).  
David J. Bier, “[Details of 155 Immigration Detainers for U.S. Citizens.](#)” Cato at Liberty (blog), Cato Institute, June 3, 2020
- <sup>85</sup> Vaughan, Jessica M., and Bryan Griffith. “Map: Sanctuary Cities, Counties, and States.” Center for Immigration Studies, October 16, 2025. Updated November 20, 2025. Originally published July 2015.
- <sup>86</sup> [Major Cities Chiefs Association](#). Revised 2017 Immigration Policy. November 2024.