

# Right to the City, Right to Sanctuary: Sanctuary Practices, Urban Inequality, and Immigrant Political Subjectivities in New York

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## 1. Introduction

Success in achieving the broad United Nations' Sustainable Development Goal 10 to reduce inequality among the marginalized, disenfranchised, and dispossessed cannot be had without the inclusion of the undocumented, asylum seekers, and refugees. One of the goal's more specific targets is therefore to facilitate responsible and improved migration policies. However, counts of asylum applications and resettlements paint a murky picture. Szymańska (2021) reports that in the EU "[i]n 2019, asylum applications accounted for 1371 per million inhabitants, while in 2010, first-time applications constituted around 418 per million inhabitants" (Szymańska 2021, p. 11). According to the Migration Policy Institute (Monin et al. 2021), in the fiscal year 2019, the United States offered asylum status to about 46,500 individuals, "the highest level in decades, due in part to increased asylum applications and the accelerating pace of adjudications" (Monin et al. 2021). However, during the fiscal year 2020, the United States resettled less than 12,000 refugees, in comparison to 70,000 to 80,000 resettled annually several years earlier and the 207,000 resettled in 1980, the year which marks the formal beginning of the U.S. resettlement program (ibid.).

In fact, despite the change from a Trump to a Biden administration, conditions at the southern border of the United States continue to illustrate a lack of coherent and humane immigration policies and persistent inequalities faced by immigrants (see Sandoval et al. 2021). Certainly, as Betts and Collier (2017) have convincingly argued, migrants deserve better than a broken refugee system. However, they also deserve better than to be the subject of migration studies that have tended to treat them as objects of analysis rather than foregrounding the political subjectivities of migrants, as this chapter does with respect to sanctuary cities.

This chapter, then, evaluates the recent evidence that sanctuary cities represent, which is, as Bagelman has argued, a suspended state, a type of governmentalizing

process that traps asylum seekers into an “endless cycle of waiting and deferral” (Bagelman 2016, p. 39; see also Bagelman 2013) conferred by the state’s “apparatus of control” (Bagelman 2016, p. 42) and regimes of abeyance. Even where migrants resist suspension, they are faced with punitive measures that reinforce delays and inactivity, rendering the city still a space of suspension—a place of deficient, incomplete, compromised application of refuge (Georgiou et al. 2020)—and migrants themselves apolitical and invisible presences (Laman 2015, cited in Kuge 2019). Thus, researchers have questioned the extent to which immigrants in sanctuary cities realize appropriations of space and stake claims for the Lefebvrian right to the city (De Genova 2016, cited in Bagelman 2016) and have suggested the need for an alternate legal system rooted in the rightful presence (Vrasti and Dayal 2016; see also Darling and Squire 2013) that would expose the uneven relationship between the host and the guest (Squire and Darling 2013; see also Young 2010).

Drawing from Attoh (2011), this chapter applies the research lessons of the right to the city to sanctuary contexts. Attoh argues that the right to the city represents a critique of urban policy as well as a critique of the broader conception of citizenship and that it encompasses all three generations of rights in Jeremy Waldron’s scheme: citizenship rights, socioeconomic entitlements, and minority rights. Particularly relevant for this research is the political conception of the right to the city. Following Dikeç (2001), Attoh (2011) argues that the right to the city is “coterminous with the rights of national citizenship” and that it is both a rebuke to restrictive conceptions of national citizenship and a form of active participation in political life, of lived civil society in the city. This theory envisions the right to the city as not a mere participatory right but, more significantly, an *enabling right* forged through political struggle. Hence, Attoh argues that the key right is not merely a right to urban space but rather to a politics of space that reconstitutes the city as “a space of politics”. This chapter focuses also on a similar conception of political rights to the city in the case of the undocumented, asylum seekers, and refugees, who carve political spaces in the city through active mechanisms of sanctuary practice detailed below. These forms of immigrant activism and resistance can further be seen as strides toward *insurgent* citizenship: challenging existing laws, policies, and institutions, shaping alternate forms of membership, and claiming rights (Holston and Appadurai 1999, cited in Leitner and Strunk 2014).

This research is based on the fieldwork conducted over the period July 2017–June 2018 with the New Sanctuary Coalition (NSC) in New York—an interfaith coalition of congregations, organizations, and individuals engaged in a solidarity project assisting

families and communities faced with detention and deportation.<sup>1</sup> The primary purpose of the evidence presented here—to the contrary of the noted arguments on the suspended state of the city of refuge—is to suggest the emancipatory potential of sanctuary practices in the urban environment, in spite of the fact that in many aspects of their lives, the undocumented must remain in the shadows. Nevertheless, rejecting the binary “either/or” construct that would refute the literature that doubts the potential of the sanctuary, this research should rather be seen in dialogue with Bagelman’s (2016) book *Sanctuary: A Suspended State* in particular, which provided the inspiration for this study.

Following Tilly (1998, cited in Castañeda 2017), this research emphasizes relational understandings of inequality which root socioeconomic status and life prospects in structural arrangements at the group level. To offer only three illustrative examples, first, Castañeda (2017) documents the stigmatization of the undocumented day laborers in Long Island, New York: these begin by becoming victims of wage theft and end by internalizing their roles as outsiders in their community. Second, Palmer (2017) argues that “Black immigrants live in the crosshairs of American-bred anti-Black racism and anti-immigrant sentiments” (ibid., p. 120). Palmer calls for transformational solidarity within the Black Lives Matter and immigrant rights movements to address the inequalities of treatment (by the criminal justice system in particular) of Black undocumented immigrants. Finally, Hung’s (2019) study of the Eritrean squatters and their struggles for the right to public housing in Rome demonstrates how “sanctuary squats act as shelters for the persecuted from which to contest repressive governmental policies” (ibid., p. 122).

These examples have in common the need to conceptualize active political subjectivities of migrants and their acts of citizenship that represent “the opening up of moments of potentiality in which subjects challenge inequalities and re-define their marginal position, by constituting themselves as claimants” (Maestri 2017, p. 6). As Zolberg and Woon (1999, cited in Castañeda 2017, p. 13) explain,

immigrants do not only passively react to host decisions about structures of most relevance to them, but their views of how boundaries should be drawn, crossed, shifted, or blurred are part of the negotiations about boundaries. Though their voice might be muted as a function of their marginal position, the reinforcement of the rights of persons in liberal democracies, both as the result of internal political struggles and the spread

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<sup>1</sup> See <http://www.newsanctuarynyc.org/about-us-mitchell/> (accessed on 30 September 2020).

of universal human rights, bolsters the legitimacy of the aspirations of immigrant newcomers; consequently, their views on issues involving their welfare carry greater weight in negotiations (Zolberg and Woon 1999, cited in Castañeda 2017, p. 13).

This research documents how the NSC afforded an opportunity to the undocumented, asylum seekers, and refugees to express their voice regarding their marginalized position, a symptom of deeper structures of inequality, and to attempt to claim, through sanctuary practices, the right to a politics of urban space.

## 2. New York Policies and Sanctuary Practices of the NSC

Sanctuary cities can be defined as places where a local government or police department have passed a resolution, a city ordinance, an executive order, or a departmental policy expressly forbidding city or law enforcement officials from inquiring into immigration status and/or cooperation with the Department of Homeland Security's Immigration and Customs Enforcement Agency (ICE) (Filipcevic Cordes 2017).<sup>2</sup> Cities (e.g., New York, San Francisco) might issue municipal identification cards or accept foreign identification documents that allow denizens to access services (see Bauder 2016a). Kuge (2019) stresses the distinction between the de facto and de jure population that represents a challenge for municipal service delivery, but also an opportunity to develop urban capabilities. Rescaling of political power to cities opens opportunities for best practices for communal governing but also runs the risk of counter mobilization against cities and migrants (Kuge 2019). Regardless of status, sanctuary cities might pledge non-cooperation with federal authorities and grant "access without fear" to municipal services (e.g., "No One is Illegal"—Toronto 2015) (Vrasti and Dayal 2016, p. 996), yet these policies can be undermined by local authorities and law enforcement through the governance of security that has "speedily traversed legislative, jurisdictional and constitutional boundaries" (Hudson 2019, p. 96). In contrast, substantive and strategic sanctuary policies can view city ordinances as forming the city's identity and its liberal legacy, shaping places such as San Francisco that have "stood for protection of civil rights and [ . . . ] not been

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<sup>2</sup> While the sanctuary city movement is international, the definition applied in the case of this research is focused on the data from the US, although UK and Canadian examples are included for comparison—in both literatures, however, sanctuary cities are seen as "a set of practices, including spatial practices" (Lippert and Rehaag 2013, p. 2, see also Bauder 2016a). Members of the sanctuary movement have voiced strong objections against immigration laws in the US, the UK, and Canada, arguing that the laws were unjust and complaining, for example, about the lack of appeals process in Canada (see Michels and Blaikie 2013).

afraid to do the right thing even in the face of a legal challenge” (Villazor 2010, p. 597). These policies confer recognition and entail forms of inclusion of denizens as local citizens (Villazor 2010) and are motivated by local conceptions of justice, rather than international human rights or cosmopolitan ideals (Varsanyi 2006, cited in Laman 2015). In this view, sanctuary cities can be seen as loci of local citizenship for undocumented immigrants, encouraging their participation in political life, their economic, social, and cultural contributions to the local community, their eligibility for services such as health care, education, social and mental health services, and police protection, and other privileges in spite of their status (see Villazor 2010). Importantly, as Bau (1994) has argued, ordinances such as San Francisco’s Sanctuary City do not interfere with the enforcement of federal immigration law, and there are no reported instances of the physical prevention of the efforts of federal immigration enforcement by local officials (Bilke 2009). As Bauder (2016a) has emphasized, immigrants in sanctuary cities “remain vulnerable to detection, detention, and deportation by US federal immigration authorities” (ibid., p. 177). While the authorities have a legal right to enter churches to seek immigrants, they have nevertheless typically not engaged in such actions because of the special moral and public status of religious institutions (Yukich 2013).

Cities are vital for solving the refugee crisis and represent more than “the junction boxes for international interactions at the local level” (Clark 2008, cited in Bagelman 2016, pp. 70–71) but constitute arenas of institutional intervention framed by powerful political rhetoric, as can be seen in the case of New York City. In August 2003, New York City passed Executive Order 41 that would prohibit city employees from disclosing confidential information (including that of immigration status) in all cases except when the individual was wanted for non-immigration crimes or is a known terrorist (O’Brien et al. 2017). Further, a 2014 New York City Council law limited the cooperation between police and corrections departments and the federal enforcement authorities (“The departments would honor a hold request only from a federal judge, and only if the subject had been convicted of a violent or serious crime” (Preston 2016)). Mayor de Blasio prominently advertised the country’s largest municipal identification program, pledged not to offer the obtained information to the federal government, and vowed to fight widespread deportations, stressing that the city’s free legal services were available to the undocumented (Medina and Bidgood 2016). Melissa Mark-Viverito, the then New York City Council Speaker, stated that New York,

adopted policies that promote inclusion by reducing the barriers to accessing city services. One way that we do this in New York City is by ensuring

that our city agencies do not require a status unless necessary to assess eligibility for public benefits or services. We're confident that all of our laws and policies fall squarely within the law and within our city's authority, and we're deeply committed to defending them. We will uphold the rule of law, but we will defy any attack by the [former] president to force us to violate the constitutional rights of our residents (Reynolds 2017).

New York's Eric Schneiderman, the then state Attorney General, published guidance to law enforcement in January that ... [stated] that the federal government "cannot 'compel the States to enact or administer a federal regulatory program,' or compel state employees to participate in the administration of a federally enacted regulatory scheme'" (Wall Street Journal 2017). Finally, while Congressional Representative Alexandria Ocasio-Cortez called for the abolishing of ICE (Bseiso 2019), current New York State Attorney General Letitia James released a press statement on 28 April 2020 as her critique of President Trump's threat to limit coronavirus funding to sanctuary cities and states, noting that "New York is proud of its status as a sanctuary state that welcomes and will fight to protect its immigrant residents—many of whom are fighting on the frontlines to battle the coronavirus" (New York State Attorney General 2020).

Yet, New York City lost a constitutional challenge in *City of New York v. United States* in which it argued that sections of the U.S. Code violated the Tenth Amendment of the Constitution "because they directly forbid state and local government entities from controlling the use of information regarding the immigration status of individuals obtained in the course of their official [duties]" (Bilke 2009, pp. 176–77; see also Ridgley 2013, p. 227). This, and the above examples, expose the limits of local institutional sanctuary policies and practices. Thus, just city theories (Fainstein 2010; Barber 2017) err when they express too great a faith in mayoral leadership, citing for example how local policies made a difference through selective recognition and redistributive programs (Fainstein 2010), or how mayors ought to deliberate across borders (Barber 2017). New York examples in fact show strong rhetoric of recognition of the rights of groups (as in the noted De Blasio, James, or Mark-Viverito declarations) but weak redistributive strategies to address urban inequalities, graphically displayed in the failed attempts to address the problems of homelessness and public housing during De Blasio administration. Thus, the scale of urban inequalities and of lacking redistributive programs trumps the rhetoric on sanctuary cities amidst the need to rebel against the hostile, dysfunctional sovereign that has defaulted on its responsibilities. The limits of city sovereignty are made apparent by the scale of inequalities heightened by federal disinvestment

in poor neighborhoods and the lack of local investment in (given the pressing need for) supportive affordable housing and homeless services while increasing investment in megaprojects, luxury developments, and privatization of public spaces (Filipcevic Cordes 2017).

It is not merely disobedient would-be sovereign cities that challenge the federal government, as might appear from the political rhetoric by local leadership cited above (on the previous page) in the media; rather, this research argues that the grassroots sanctuary practices constitute the real domain of sanctuary and not merely cities branded as sanctuaries. Taking these notions a step further, Simon Behrman (2019) recently pointed out, in the context of municipal sanctuary declarations, that the movement's politics should remain grassroots, and that when sanctuary moment practices are solidified in the form of official proclamations and programs, they are eroded, ossified, and bureaucratized.

It is thus necessary to redefine sanctuary from the grassroots right to the city perspective. The narrow definition of city sanctuary *policy* stated above appears insufficient when contrasted with a more expansive notion of sanctuary *practice* that the New Sanctuary Coalition (NSC) uses and that reflects responses to the regimes of violence and fear. First, the NSC details three scenarios under which an immigrant might seek sanctuary:

When ICE has told an immigrant who has a final order of deportation to report for deportation (“bag and baggage order”) on a specified date, *or*

When ICE conducts a raid in a neighborhood, looking for a particular immigrant—one who has a final order of deportation, but has not been picked up because either ICE cannot find that person, or the person’s family will not open the door to let ICE in to seize the person, *or*

When ICE is conducting raids in a particular neighborhood and an immigrant is afraid that he or she is, or could become, a target that ICE would detain. Many immigrants fear that they will be grabbed during a raid even if they are not a named target and may need a Sanctuary for a short time to calm down, to get accurate and up-to-date information, and to make plans (New Sanctuary Coalition, November 2016).

Furthermore, according to participants in an NSC community meeting observed, the notion of sanctuary extends even beyond this and encompasses the “values that the sanctuary hood community [intends to bring],” which include, among others: “do not harm, dignity, non-violence, self-determination, safety for one-safety for

all, reciprocity, respeto a los derechos humanos [respect for human rights], ways of fighting fear, love and protect each other, liberation and autonomy, mutual empowerment, sovereignty [when this “value” was mentioned the community leader interrupted by saying, “we do not want sovereignty because of Arizona”<sup>3</sup>], ... building blocks that are an end in and of itself, community space, practical things (clothing, washing), immigration is not a separate issue—policing, incarceration, gentrification, sanctuary is not a little box” (Fieldwork notes, 23 August 2017). While several aspects of this expanded understanding of sanctuary might be useful here, this chapter will only emphasize the notions of “reciprocity, liberty, autonomy, and mutual empowerment” and their linkage with the emancipatory potential of sanctuary. In defining this potential, this research follows Dikeç (2001) in arguing that spatial justice, right to the city, and right to difference come together to form a part of emancipatory politics. Thus, perhaps moments in which the sanctuary allows for, at least a temporary semblance of the suppression of discrimination, domination, or repression, could be seen as “moments of emancipation” (ibid., p. 1794). Understood by NSC participants, sanctuary gestures precisely towards these moments, however fragile or uncertain they may appear at first glance—yet they are perhaps as tangible as “community space or practical things.” It could thus be argued that the right to the city in this context is less of a legal and more of a symbolic sociopolitical designation that might be claimed by non-citizens and social movements.<sup>4</sup>

### 3. The Right to Sanctuary City

Bauder (2016b) roots the right to the city in the notion of rightful presence (rather than property ownership, for example) and in the domicile principle of belonging to a territorial polity (ibid.). This enables the recognition of local citizen-subjecthood to be disabled on the national scale, requiring scale-switching, which ensures local expressions of belonging (Allon 2013, cited in Bauder 2016b). Bagelman (2016) describes pro-sanctuary arguments citing transformative powers of the sanctuary as a set of “fluid, open-textured” (safe) welcoming practices (ibid., p. 14) that offer a direct challenge to (violent) state practices. Disruptive, everyday acts of the sanctuary (Lippert and Rehaag 2013) can shape a culture of hospitality, challenging restrictive

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<sup>3</sup> This is a reference to Arizona’s 2010 restrictive “Support Our Law Enforcement and Safe Neighborhoods Act” or SB 1070 bill aiming to “discourage and deter the unlawful entry and presence of aliens and economic activity by persons unlawfully present in the United States.” See <https://www.azleg.gov/legtext/49leg/2r/bills/sb1070s.pdf> (accessed on 30 September 2020).

<sup>4</sup> See also Teresa Irene Gonzales’ emphasis on civic action and local elections in Gonzales (2016).

immigration and asylum policies (Bagelman 2016). Millner (2013) has argued that the actions and claims of the *sans-papiers*, the success of demonstrations in Paris in February 1997, and the calls for a campaign of civil disobedience against the new Debré Law, offer evidence for the “audibility of citizens’ voices” in contrast to the notions of “an apparently silent migrant population” (*ibid.*, p. 67). Through claiming rights to the city via spatial practices, the struggles of *sans-papiers* further suggest that they can challenge predominant conceptions of their own identities (McNevin 2006, cited in Isin 2008). These struggles allow us to link migrant and urban justice movements (Vrasti and Dayal 2016) as sanctuary policies to render futile the distinctions between the citizen and non-citizen, “especially when the sovereign insistence on this distinction only serves to divide labor for the purposes of uneven accumulation across urban space” (*ibid.*, p. 998).

A criticism of sanctuaries based on evidence from the UK (including Bagelman’s 2016 book) highlights the bland culture of hospitality that reinforces the distinctions and power relations between the host and the guest, and renders access to city services as insufficient and the normalization of undocumented status as avoidance of substantive immigration reform (Vrasti and Dayal 2016). The research evidence presented here rather suggests that sanctuary participants ought to be viewed as political subjectivities who claim rights that are seen as “illegitimate” or “misplaced” if viewed from a statist perspective (McNevin 2006, Nyers 2008, cited in Squire and Darling 2013). Critiquing notions of hospitality, Squire and Darling (2013) argue for an alternate conception of justice that would go beyond momentary politics and present a disruption in statist politics through political activism and the social action of sanctuary that challenges the unevenness between the host and the guest (*ibid.*). Sanctuary practices could certainly go further in providing the undocumented, refugees, and asylum seekers the capacity to shape the urban commons (Vrasti and Dayal 2016), thus realizing the Lefebvrian right to the city as a right to appropriate and alter the urban environment.

In “Right to the City”, moreover, Lefebvre (1996) argues that social needs have an anthropological foundation. “Opposed and complementary, they include the need for security and opening, the need for certainty and adventure, that of organization of work and play, the needs for the predictable and the unpredictable, of similarity and difference, of isolation and encounter, exchange and investments, of independence (even solitude) and communication, of immediate and long-term prospects” (*ibid.*, 147, see also Mitchell 2003). If we recall Lewis Mumford’s ([1938] 1981) notions of dehumanizing aspects of urban work, which make a human act similar to a machine, and if we can find in the postindustrial global cities of today forms of oppressive

work environments and conditions for those on the bottom of the socioeconomic ladder, for example, the lowest-paid workers, many of whom are undocumented, the question of their social needs becomes even more significant. Cities should be planned in such a manner to satisfy a full range of social needs, especially those “not satisfied by those commercial and cultural infrastructures” (Lefebvre 1996, p. 147). Lefebvre concludes regarding the potential of the city, which is arguably shared with the undocumented, refugees, and asylum seekers:

[o]ne only has to open one’s eyes to understand the daily life of the one who runs from his dwelling to the station, near or far away, to the packed underground train, the office or the factory, to return the same way in the evening and come home to recuperate enough to start again the next day. The picture of this generalized misery would not go without a picture of ‘satisfaction’ which hides it and becomes the means to elude it and break free from it. (ibid., p. 159).

Thus, the means to elude oppression and to struggle toward a just distribution might include, as Mitchell emphasizes, social action (protest) but also legal actions and forms of appropriation of space (Mitchell 2003). The right to the city, more broadly, according to Lefebvre, is dependent upon a “renewed right to urban life” (Lefebvre 1996, p. 158), and it constitutes the urban as the “place of encounter, priority of use value” as, for Lefebvre, cities are importantly sites where dominant capitalist strategies and ideologies ought to be defeated (see also Coggin 2018; Marcuse 2012). Lefebvre (1996) sees the working class as the key agent for this social realization, and this is especially significant given that the working classes also comprise the undocumented. Yet, this solidarity project is insufficient and hinges upon Attoh’s (2011) timely call to redefine democracy in substantive terms. Attoh argues that “[w]ithin the radical openness of the right to the city concept, the right to the city can equally be a right to collective power and a right against unjust collective decisions” (ibid.). Moreover, the concept should allow “for solidarity across political struggles, while at the same time focusing attention on the most basic condition of survivability” (ibid.). The right to the sanctuary city is a struggle for the expansion of social citizenship for immigrants in the urban environment, the essential component of which is the attempt to expand social rights to encompass class solidarity with minority groups.

Dikeç (2001) develops valuable notions of spatial dialectics of injustice (which also include, but do not overvalorize, just distribution) and uses the term *égalité* (equality-freedom) drawn from Étienne Balibar in an attempt to seek linkage with emancipatory movements and to overcome perceived limitations of Iris Marion

Young's notion of difference. This is significant because the right to the city should be seen as active participation in political life, i.e., an enabling process right forged through political struggle that constitutes the city as a space of politics (Dikeç 2001). While pointing to the global dynamics that affect migration, the key point here is that sanctuary cities shape the urban environment as the battleground for claiming group rights (Isin 1999, cited in Dikeç 2001) by articulating alternate ideas of membership based on urban residence rather than citizenship status (e.g., Varsanyi's (2006) idea of *grounded* citizenship, Holston and Appadurai's (1999) *insurgent* citizenship (cited in Leitner and Strunk 2014), Purcell's (2003) call for citizenship based on *inhabitanace* (cited in Ridgley 2008)—*substantive urban citizenship* based on democratic participation (Brown and Kristiansen 2009)). Notably, Maestri's (2017) study of the Roma migrants' claim-making struggles in Italy sees neither fully restrictive nor fully emancipatory enactments of citizenship within a campsite as "a political space where political subjectivities are also shaped from below, and that of an assemblage space, which emphasises the role of a plethora of state and non-state agencies" (ibid., p. 14).

Urban sanctuaries can be viewed as sets of practices rather than fixed sites, yet they include concrete spaces that can at least temporarily attempt to provide safety within these territorially confined locations. Sanctuaries thus grant more fluid forms of hospitality (Bagelman 2016) based instead on "mobile solidarities" "which refers to the creation of collective political subjects through mobilisations that promote the physical movements of people as well as the multiple diversities that such movements bring about (social and economic as well as cultural and legal)" (Squire 2011, p. 292). In his case study of Sheffield, UK, Darling (2010 cited in Bagelman 2016) shows how place-based and fluid relational practices are interconnected, expanding the prospect of the sanctuary. Darling draws on Jacobs' notion of "proximate diversity" to illuminate how sanctuary cities work through networks to create openness to diverse experiences enabling a more open relationality. Urban acts of sanctuary also allow for greater emphases on "heterogeneity, multiplicity, fluidity, and indeterminateness" (Czajka 2013, p. 48) as immigrants claim their right to the city and appropriate urban spaces. In this context, everyday routines can be laden with Lefebvrian potential, especially given Lefebvre's emphasis on use value and the sociopolitical potential of urbanity (see Darling and Squire 2013, pp. 192, 201). The argument here is that the right to the city might allow the immigrants who have lost their rights and, in Hannah Arendt's words (1951), "the right to have rights" (cited in Czajka 2013), to reclaim those rights in the urban environment. As noted above, this includes, for example, in the U.S., rights to municipal IDs, rights to access services and education, rights to appropriate urban space, and rights to assembly and participation. This

contests the view of migrants and asylum seekers as passive subjects (Bagelman 2016; see also Czajka 2013). Through acts of urban citizenship, sanctuary acts can challenge the monopoly of the state on sovereignty. It is in the city that the refugee can become “a rights bearing subject against the discourse of the state that deprives her of the right to have rights and be political” (Czajka 2013, p. 51); it is the sanctuary practices within the urban environment that can redefine the state monopoly on the political.

The focus on sanctuary cities allows for further development of the concept of urban inequality in relation to the urban commons. Cities such as San Francisco have proven that they are “at their most politically and (arguably legally) powerful” in the context of redevelopment and the shaping of the city as a place of lived experience (Schragger 2016, cited in Foster and Iaione 2017, p. 3), as well as in cases of sanctuary jurisdictions. The starting point here is that “commodifying and privatizing our collective resources in cities, disproportionately harm[s] those who lack private resources and who most depend on public resources” yet the key issue, according to Foster and Iaione (2019), is not that of ownership, but rather of rights to access and appropriate space, and of stewardship over resources, which can create a constructed, generative commons with different degrees of capacity (ibid.). When Foster and Iaione emphasize that cities are “inclusive, shared, sustainable, resilient, innovative, democratically open and responsive to citizen needs” (ibid., p. 4), and when we take into considerations that cities are, however, also sites of conflict, social exclusion, and contain ghettos and slums, we could argue for a new way of constructing the commons by taking into consideration the social, economic, cultural, and political contributions of the undocumented, the refugees, and the asylum seekers, contesting an exclusionary state.

If a critique of the concept of “urban commons” is related to the fact that it leaves too much space for private actors, seeing them as equal as public actors (Filipcevic Cordes 2017), the undocumented, refugees, and asylum seekers should contribute to making the urban commons public in a manner that would address the problems of social exclusion. This can be accomplished through a variety of collaborative projects that would involve the undocumented, refugees, and asylum seekers such as working centers, volunteering projects, right to housing alliances and neighborhood grassroots efforts, educational initiatives, minimum-wage-increase activist groups, community gardens, digital collaboratives, and art projects, in addition to protests and demonstrations. What is further crucial here is the capacity of local government to not, in fact, police the undocumented but to implement resettlement policies, increase wages and ameliorate working conditions, offer access to health care and social services, and promote social integration, among other

practices (Mitnik and Halpern-Finnerty 2010). Local governments have mandated employment standards, regulated the domestic worker activities (including by indicating employee rights and employer obligations), supported worker centers for day laborers, provided uninsured immigrants' access to health care, accepted matrículas consulares as valid forms of ID, offered municipal IDs, allowed noncitizen voting in local elections, etc. (see Mitnik and Halpern-Finnerty 2010). These could all be seen as examples of *city power*—the concept developed by Richard Schragger (2016) in contrast to the notion of local power, laden with NIMBY-ism, e.g., the local land use ordinances that prevent behaviors in public spaces and that have been used to police, even expel, immigrants from certain communities, as in the arrest of laborers playing soccer in Brewster, New York (Varsanyi 2010). Housing, trespassing, and antisolicitation ordinances can be used to constrain the undocumented right to the city (for example, the right to claim public spaces) and the right to work and reside in a community.

The benefits of sanctuaries hinge upon seeing cities as sites of solidarity with strangers who shape new senses of urban belonging (see also Bagelman 2016). Although the notion of the stranger is itself problematic (according to Jacques Derrida (2000), “if one determines the other as stranger, one is already introducing the circles of conditionality that are family, nation, state, and citizenship” (cited in Young 2010, p. 541)), the origins of the conceptualization of strangers can be found in the Bible (see Michels and Blaikie 2013), which aligns with faith-based sanctuaries. The conceptualization of strangers here follows Ash Amin's emphasis on negotiations of difference, as shared, collaborative new identities, in the everyday life of multiethnic and multicultural cities (Amin 2013; Sennett (2012) and Grosz (2011), cited in Amin 2013). Cities can be understood as sites of engagement and collaboration (Sennett 2012, cited in Amin 2013) with the stranger in everyday life. Sanctuary sites, especially faith-based sanctuaries, are associated with “hospitality towards strangers” as argued in the Book of Leviticus in the third book of the Torah: “If a stranger sojourn with thee in your land, ye shall not vex him. But the stranger that dwelleth with you shall be unto you as one born among you, and thou shalt love him as thyself; for ye were strangers in the land of Egypt” (cited in Bagelman 2016, p. 79). Squire and Darling (2013) caution that the notion of hospitality risks reinforcing the distinction between established notions and relations of the guest and the host; cities can instead be seen as sites of struggle and claims making for a space of refuge that is constantly being negotiated and contested (Young 2010). However, sanctuaries in this view could also carry transformative potential (Deleuze and Guattari cited in Bagelman 2016). Bagelman (2016) notes the tremendous creativity of asylum

seekers by citing the community café network and radio show and subsequently The Mapping Project—“these artistic interventions problematize the asylum seeker as both subject and supplicant, and challenge the ways in which asylum seekers are rendered emblems of victimhood” (ibid, pp. 17, 99). The argument here thus draws again from Bagelman’s work while emphasizing caution regarding the conclusion that sanctuary cities are implicated in the production of state power by pacifying the asylum seeker and “de-fang[ing], smooth[ening] out and ease[ing] the seriousness of the problem” (ibid., p. 38, see also De Genova cited in Bagelman 2016). Bagelman’s argument is, for the most part, limited to the condition of asylum seekers in the UK (although the author also includes Canadian examples) where the thesis appears more to reflect conditions in asylum intake centers, which at times resemble camp-like oppression and imprisonment. This argument should be further evaluated in light of the “evidence of the exclusion of asylum seekers and irregular migrants from the remit of integration and cohesion” that “overlooks enactments of solidarity” (Squire 2011, pp. 290, 292). The city-based movement in the UK is, however, more recent, and a distinction can be made between the more formal enactments of sanctuary and the disruptive everyday practices of sanctuaries (Darling and Squire 2013)—this distinction can be made based on the practices observed in the U.S. as well (e.g., the New York City fieldwork of July 2017–January 2018 with the New Sanctuary Coalition (NSC) discussed below). What is essential here is that sanctuaries are reinforced by “the proliferation of fear” (Bagelman 2016, p. 38) and indeed are a response to the state regimes of fear. However, the benefits of sanctuaries can outweigh their pacifying roles (see also Rotter’s 2010 examples of Scotland, cited in Bagelman 2016, p. 38). While the “reprieve from marginalization” offered by sanctuary practices can, however, be merely “temporary,” sanctuary practices can nevertheless represent important “acts of citizenship” (Vrasti and Dayal 2016, pp. 1008, 1009), which can entail making rights claims and speaking out against the abuses of power (see also, Isin 2017) from the standpoint of a refugee, an undocumented immigrant, or an asylum seeker as an international citizen.

Legal traditions of sanctuaries can be traced to religious roots, as far back as ancient Greece. In 392 CE, Theodosius enshrined sanctuaries into law defining sanctuaries under specific church authority (Bagelman 2016). Moreover, in highlighting the linkages between religion and the city, Fustel (1864) has identified the city as a site of both *civitas*, a religious and political community and *urbs*, a place of assembly, and especially a space of sanctuary (cited in Isin 2008). Thus, sanctuaries were originally seen as contained, enclosed, territorially fixed social practices. Sanctuary means a holy, sacred place—thus opposed to the profane

and the secular (Bagelman 2016) but sanctuary can also be seen as a “safe haven, a protected space” whose boundaries are always policed (Dehaene 2008, cited in Bagelman 2016, p. 23). Rather than “a spatial form of protection, which implies ‘escape to a location beyond the boundaries of society’” (Bagelman 2016, p. 24); however, contemporary sanctuary practices, which also involve unions such as The Teamsters and the AFL-CIO which see unskilled labor as “prime organizing fodder” (Horowitz 2018), can be seen as sites of new political working-class subjectivities that can potentially expand the boundaries of citizenship.

While Bauder (2016a) has argued that sanctuary cities in the U.K. do not radically alter the city as a space of belonging and may be more concerned with the semblance of cosmopolitanism and inclusion while promoting urban neoliberal politics, there is also evidence that sanctuary cities intervene in the exclusionary discourse production of the notion of asylum seeker present in the media and in the national politics, alter the meanings associated with the city and its capacity to shelter asylum seekers, and offer asylum seekers opportunities to become active participants in the urban community. In the U.S., sanctuary cities have been incorporated into local government institutions, as noted above, moving away from their roots in faith-based organizing (Ridgley 2013). However, sanctuaries have also attempted to exert moral authority in cases where, in their view, the federal government had failed (see also Cunningham 1995). In emphasizing the failures of the state to protect vulnerable populations or claiming that the state or the police have acted in an inhumane manner with the refugees or the undocumented, communities and churches have “stepped into this role and, in doing so, claimed higher moral ground” (Michels and Blaikie 2013, p. 30).

This research suggests that sanctuary cities might be able to provide an emancipatory space of resilience where the undocumented, the asylum seekers, and the refugees could claim rights to the city and challenge spaces of exclusion. Projects such as Mapping the City can also demonstrate that only specific spaces in the city can be claimed as a refuge (Young 2010, p. 536). Moreover, the “possibilities of refuge are struggled over not only through the formal, bureaucratic channels of the immigration system or the social services sector, but also through the intimate, lived practices of all residents of the city” (Young 2010, p. 557).

The sanctuary movement is “place-based” but not “place-bound” (Bagelman 2016, p. 48), a dense network moving toward welcoming policies and political culture of solidarity (see also Bagelman 2016, p. 47). Following Doreen Massey (2005, 2007), “[s]olidarity emerges through everyday grounded and imminent relations of the urban, which is less a physical place than a protean way of life”

(Massey 2005, 2007, cited in Bagelman 2016, p. 47). The key point here is that cities have the potential to offer an inclusionary space for the undocumented, asylum seekers, and refugees, via coalitions such as the NSC in New York, which assume social and political responsibility for this population through concrete sanctuary city practices. This opening up of urban space is in contrast with a sense of containment that these groups experience in their lives given the statist regime's proliferation of fear which governs their lives.

#### **4. Fieldwork with the New Sanctuary Coalition**

I conducted participant observation fieldwork in New York with the New Sanctuary Coalition (NSC), selected because of its significance, prominence, and diligence with sanctuary work, from July 2017 to June 2018, to test whether the sanctuary movement represented urban resistance to exclusionary statist regimes and to examine the ways in which it might possibly contribute to the struggles for the right to the city. During this period of time, I attended weekly community meetings known as the Assembly, vigils at the Varick Immigration Court and Jericho Walks in front of 26 Federal Plaza, and conducted dozens of unstructured interviews and discussions with the participants of the sanctuary movement (selected on the basis of the snowball sample). Observation included active participation as a volunteer assisting with meetings, sharing my own immigration story, helping the efforts of the coalition, participating in vigils and Jericho walks, and sharing my previous research with the coalition. All meetings were conducted in English and in Spanish; I participated in both languages and received support and encouragement when speaking Spanish. Attendance at the meetings ranged from a few to over 30 participants; Jericho walks included at times a few participants to hundreds of participants. Vigils were smaller and included from a few to up to 10–20 participants.

##### *4.1. Immigrant Solidarity and Urban Residence*

Fieldwork in New York showed disrupted distinctions between the host and the guest. Between, that is, volunteers and "Friends"—the NSC's term of choice for the undocumented or anyone else being assisted by the coalition. Fieldwork findings further posed strong challenges to statist politics by placing an emphasis on the immigrant experience and immigrant solidarity, and on the rejection of nationalism, of the current political regime in the US, and even of borders themselves.

When a Friend asked volunteers to explain their motivations for helping the NSC, one volunteer notes,

I left Iran in the 1980s, we crossed illegally. We were involved with the immigrant solidarity work, helping other Iranians, Kurds, then worked closely with Salvadorians in Washington. We are not obsessed with being an ideal American immigrant. When you eliminate nationalism, you have other values that take place such as solidarity. Borders become nonsensical. Sanctuary is something very familiar—a place where we can create a community beyond the bureaucratic norms [governing] what an immigrant should be doing (Fieldwork notes, 20 July 2017).

Another volunteer explains,

I grew up with the ideal of living in a U.S. that is inclusive and equal, and if you were not hurting anyone you would not be punished for what you cannot control. Most of my ancestors were Jews and when I hear the way Donald Trump talks about immigrants, it reminds me of how dictators talked about us. I have a lot of immigrant Friends and I have come here to stop unfair treatment and deportations (Fieldwork notes, 20 July 2017).

The same linkage with immigrant history, and further with U.S. and transnational civil rights movements, was claimed by Ydanis Rodriguez, City Council District 10 (Washington Heights, Inwood, Marble Hill) representative, and Congressman Adriano Espaillat (New York's 13th congressional district), when discussing a physical sanctuary offered to Amanda Morales Guerra, a Guatemalan immigrant, in Holyrood Church in Washington Heights. Rodriguez notes,

Northern Manhattan is giving permanent residence to Amanda. We have been built by immigrants—Jews, Irish, Italians, Germans, Dominicans, a real melting pot. We are a progressive community that stands for the values of America. Amanda came from Guatemala, the land of Rigoberta Menchu. We are all Guatemala now (Fieldwork notes, 18 August 2017).

Espaillat claims,

Amanda is a common resident in this neighborhood. History has been stopped by actions of common residents. Rosa Parks was just a common woman. Caesar Chavez was just a common Mexican. The actions we take today will be historic tomorrow. This is a city of dreams and aspirations of immigrants ( . . . ). Germans, Jews, Dominicans, African Americans, Mexicans, Irish, all settled in Washington Heights. What better place than this one to shelter Amanda (Fieldwork notes, 18 August 2017).

Fieldwork findings correspond to the previous research that shows incorporation into the urban environment and new claims on the city as the key to migrant empowerment (see Yukich 2013). The testimonies of the undocumented increasingly stress life in the receiving country and not political conditions in the country of origin (which was the case with the Central American Sanctuary Movement) (see Caminero-Santangelo 2013).

#### 4.2. *Refuge as a Human Right*

Another aspect of this rightful presence can be rooted in the idea of respect for all human beings. When an organizer with NSC asked community members to engage in role-play to identify a problem, a solution, and to act out a situation, one of the members of the community responded:

The problem is that Latinos are not united. We don't care about each other. No hay respeto para el lugar, hay que respetar a todas las personas—respect for all of us, for the place where we are now, respect for what we do—para el lugar donde estamos ahora—respeto por lo que hago. Estoy parada acá. Necesito demostrar respeto para este sitio [ . . . ]. I am standing here. I need to show respect for this place [ . . . ]. Hablar con personas con palabras destructivas para dismenuirnos y hacer nos menos. Hablar usando palabras destructivas nos minimizan. [Talking with destructive words diminishes us.] No importa el color de la piel, si uno es indocumentado o no. [The color of the skin doesn't matter, whether one is undocumented or not.] Uno debe mostrar interés en la gente. [One has to show interest in the people.] ¿Como representamos un santuario? [How do we represent a sanctuary?] Respeto a la gente cuando nos acercamos a ellos. [Respect for people when we approach them.] (Fieldwork notes 6 July 2017).

Another Friend felt empowered by community participation:

It has made me stronger. I have become a community leader. It is also about meeting people who care about those who have no voice (Fieldwork notes, 3 August 2017).

The space that the NSC provides is, moreover, not just a physical space but a spiritual support space. The NSC Coalition held a meeting in which cartas de aliento or support letters were sent to a Friend's 22-year-old son in detention in Texas.

He was imprisoned when crossing the border illegally. He refused to join a gang in Honduras and the gang is after him. He signed his own deportation

papers—he was manipulated into signing as he thought that he was signing a political asylum application (Fieldwork notes, 3 August 2017).

One Friend explains the significance of cartas de aliento for people in detention:

Cuando recibí la carta de aliento [apoyo], supe que le importaba a alguien. [When I received a letter of support, I knew that I mattered to someone.] Me dio la fuerza para superar—una fuerza divina [It gave me force to overcome—a divine force . . . ]—Alguien estaba pelando por mi (llorando) [Someone was fighting for me (crying)]. Fue un mensaje de mucha esperanza [It was a message of great hope.]. Un mensaje también que este movimiento está creciendo [A message as well that this movement was growing] (Fieldwork notes, 3 August 2017).

A volunteer translates and explains further,

She thought that she had no value. She had lost her hope, has given up and then [ . . . ]. like in a Gospel but it was real to her—somebody made her seem that she was important.

(Fieldwork notes, 3 August 2017)

As Rotter argues, sanctuaries rely upon religious frameworks which are “drawn upon to make sense of the predicaments; activities were undertaken to shift attention away from the strain of waiting; and hope, which oriented them to the positive modality of waiting, was carefully fostered through social interaction” (Rotter 2010, cited in Bagelman 2016, p. 36). Bagelman argues that sanctuary cities in the UK in this manner “perhaps risk providing a sort of false hope, without affecting change” (Bagelman 2016, p. 36). This may, however, apply to sanctuaries that remain tied solely to religious organizations.

#### *4.3. The Ethics of Sanctuary and Social Justice*

Lippert (2004) notes a progressive secularization of the sanctuary city movement since the 1980s, as it has increasingly moved from churches toward secular institutions such as universities and entire cities. During my fieldwork in New York I found that interfaith efforts dominated the New Sanctuary Coalition but also that secularization was acknowledged by the movement.

Fieldwork on 13 July 2017 involved a walk outside 26 Federal Plaza in which about 50 people participated and which included a number of faith-based leaders and members of the Coalition. One of the members told the protesters,

I can't tell you how powerful the prayer is. I don't do this [only] for justice but because God was a political exile [and] because of the [ . . . ] persecution that people are facing around the world (Fieldwork notes, 13 July 2017).

A Lutheran priest participating in the Jericho Walk on 3 August 2017 (in which about 10 people participated) outside of 26 Federal Plaza emphasized that it was not a "protest but a prayer—a beautiful spiritual [event]" (Fieldwork notes, 3 August 2017); the priest emphasized that it was an inter-faith effort (Fieldwork notes, 10 August 2017). An Episcopal priest who participated in the accompaniment on 13 July 2017 noted, however, that the sanctuary movement was both faith-based and secular. She noted a number of middle-aged Jewish women as participants in the coalition. "People do sanctuary work because it is an ethical thing to do" (Fieldwork notes, 13 July 2017). Her church wanted to offer assistance to immigrants who came from Long Island who are farm workers, who pay \$150 for a taxi ride to come to an ICE check-in at 4 a.m. "The church hopes to provide shelter" (Fieldwork notes, 13 July 2017).

At a meeting dedicated to the support of the Deferred Action for Childhood Arrivals (DACA) Program, people held stretched out hands around the Dreamer (see Figure 1) and the organizer asked to

rebuild our . . . society along the truths of justice, equality for all—we stand in solidarity with the Dreamers and their families. That they may feel those hands that care for them—in every step that we take, may we say that we owe them as we owe to our parents and grandparents, that we may be able to give our love to our new generation, that they know our care, our generosity (Fieldwork notes, 5–6 September 2017).

The organizer completed the support words by saying, "may whoever God is to you [give you support]" emphasizing at the next meeting,

We don't really care about faith. We care about justice (Fieldwork notes, 5–6 September 2017).

The emphasis on social justice was placed by interfaith leadership in other meetings as well. Following a local rabbi who offered support to Amanda, a Guatemalan mother of three claiming physical sanctuary in an Episcopal church in Washington Heights, a priest offering the sanctuary to the mother stated at a press conference on 17 August 2017,

This is a people's movement. They lied to us when they said that the big division was going to be between people who believe in God and people

who do not. The big division is and continues to be between those who practice justice and those who do not practice justice (Fieldwork notes, 17 August 2017).



**Figure 1.** Support for a DACA recipient, New Sanctuary Coalition, New York. Source: Fieldwork, 5 September 2017.

#### *4.4. Urban Enactments of Sanctuary, Inequality, and the Right to the City*

A vigil in front of the Varick Street Immigration Court organized by NSC included the following protest. Protesters pressed their hands against the wall of the building and uttered the names of their Friends facing deportation (see Figures 2–4). Then, they walked twice around the building guarded by the police which observed the protesters with disinterest. The organizer described the case of a 21-year-old father who faces possible deportation due to two old tickets for dirt bike riding and one for failure to appear in court. The organizer describes the fear people feel in the immigration court and argues that the new rules “normalize” the separation of families and the breaking of communities (Fieldwork notes, 6 July 2017).

Back in the Judson Memorial Church room in Greenwich Village with about 20 people and several children present, the organizer performed a role-play where participants representing “la migra” [ICE] and “el pueblo” [the people] took turns standing up, changing seats. When the organizer said “la redada” [raid], everyone stood up and ran around the room looking for a seat. Members congratulated a Friend for having been released from detention after 6 months. The organizer used wordplay on breaking a community and breaking ICE, emphasizing that this was a community effort.

?Como vamos a romper el poder que la migra tiene de nosotros [How can we break the power that ICE has over us]? El pueblo se puede unir y levantarse [The people can unite and rise up] . . . This is what we do as we gather as a community. We are dismantling the power of ICE. It is about being strong enough not to let ICE break us” (Fieldwork notes, 6 July 2017).



**Figure 2.** Participants in a vigil in front of the Varick Street immigration court, New York, walk two times around the building with the banner that reads “New Sanctuary Coalition-NYC: People of Faith Stand with People Facing Deportation”. Source: Fieldwork, 10 August 2017.

The organizer emphasized community solidarity and the building of strong communities in which U.S. citizens would support the undocumented (Fieldwork notes, 6 July 2017; fieldwork notes 10 August 2017). At another vigil in front of Varick Street, one organizer referred to the building as “a symbol of oppression, racism, injustice, and intolerance,” while another emphasized the visibility and publicness of the effort, contrasted with the silence of those who could not participate (Fieldwork notes 10 August 2017). The emphasis on visibility was further underscored by an NSC volunteer who discussed the collaboration with the “Proof: Media for Social Justice” organization. In order to raise awareness regarding their plight, the volunteer asked the immigrants who brought their children to the assembly to participate in sharing a story with photographs about immigrant children who crossed the border illegally (Fieldwork notes 10 August 2017).



**Figure 3.** Participants in a vigil place their hands on the wall of the Varick Street immigration court, New York, uttering the names of Friends facing deportation. Source: Fieldwork, 10 August 2017.

Reflecting on Amanda’s case and on the DACA program, a community organizer with the NSC noted the precariousness of the migrant condition,

There is this sense of mourning. Our nation is mourning. We wake up with a dreadful feeling in our spirit and I hope that we don’t wake up from that as that can cause us to look for decent human ways to build and engage with one another. We are in solidarity with many Amandas and many Dreamers. We are in solidarity with—and this is a violent image—with those at the edge of a guillotine—if we can embrace that, we can embrace the opportunities that this brings—we need to mourn that so that whatever dies a new life can spring up (Fieldwork notes, 5 September 2017).



**Figure 4.** A vigil in front of the Varick Street immigration court, New York, includes an act of holding hands against the wall and uttering the first names of Friends. Source: Fieldwork, 6 July 2017.

Attoh (2011) notes that the right to the city can also be seen as a “right against police brutality, surveillance, and state overreach (Mitchell and Heynen 2009),” a crucial domain of the right to the city in the context of sanctuary cities. Other related rights concern the use of public spaces, including, in Attoh’s (2011) words citing related research, “a right to occupy (Mitchell 2003), design (Van Deusan 2005 cited in Attoh 2011), and define what public space is (Gibson 2005 cited in Attoh 2011).” Through actions such as vigils and Jericho walks, the sanctuary movement activists in New York attempt to redefine public spaces as sites in which the undocumented are demonstrating their rightful presence. These public demonstrations, protests, civil disobedience campaigns, and other disruptive practices of sanctuary demonstrate the right to the city in David Harvey’s (2006) terms as a collective, rather than an individual, right. According to Attoh (2011), “the right to the city, for Harvey, ‘depends on the exercise of collective power to reshape the process of urbanization’”

(Attoh 2011)—this and other examples presented here emphasize the significance of democratic participation within the concept of the right to the city.

Socioeconomic entitlements are, however, an essential part of a liberal city sanctuary policy (e.g., access for all to municipal services), although most of the debate on sanctuary cities policies has to do with the context of the criminalization of immigrants (see Filipcevic Cordes 2021). The de-emphasis on socioeconomic entitlements (found as well in fieldwork in New York) and on the role of the state (see Coggin 2018, pp. 11, 15–20) and local government limits the right to the sanctuary city as a critique of urban inequality.

## 5. Conclusions: Struggles for Justice and the Right to the City

While it could be argued that sanctuary cities buy social peace, they cannot be reduced to another means of controlling migration. This is Bagelman's (2016) claim, arguing that sanctuary cities in the U.K. "function as a form of governmentalizing process, inducing asylum seekers to commit to the rules of the game, while simultaneously trapping them in an endless cycle of waiting and deferral" (ibid., p. 39). Bagelman perhaps expects too much of oppressed groups, and even those that meet her criteria tend to have their efforts dismissed as futile or "paralyzing," dooming fragile acts to aid migrants. Bagelman's argument that while sanctuary "may extend a particular kind of hope, it risks sustaining a state of suspension, rendering it more durable and paralyzing" and that "engender a sense of passivity among asylum seekers and refugees" (ibid., pp. 41–42) may serve as a critique of the charitable components of sanctuaries or may apply to specific drop-in centers that serve the refugees, but appears unconvincing when contrasted with the evidence of the benefits of sanctuary cities.

Sanctuary practices observed during fieldwork in New York represent precisely the opposition front to the state "apparatus of control" (ibid., p. 42) and regimes of abeyance. The New Sanctuary Coalition in New York provides accompaniment assistance that extends sanctuary to places where the immigrants are being targeted, for example, the Federal Plaza.

Volunteers go with Friends to court dates and bear witness to what is happening. We do not care about the circumstances of immigration. We recognize their humanity and we defend them. The amount of anxiety that people feel who go to the court room without a lawyer is enormous. Additionally, you realize that *this is sanctuary*. You are providing a *space*—an internal peace to go through something that is difficult. We emotionally and physically accompany people to go through that process so that they

don't have to do it alone ... We don't participate in the demonization of immigrants [that] dehumanizes people (Fieldwork notes 12 July 2017).

One of the volunteers promoted Nature Walks at the NSC where Friends and volunteers would address stress levels, bond, pray, and connect with nature; the purpose of the walks would be to

create this space in an extra-legal way. We would connect with people not just by providing a job or a shelter but there is something about this *place*, about *being in a place*, making a place something we can *share* (Fieldwork notes, 20 July 2017).

Not an ironic escape from the city but rather suggestive of Lefebvre's (1996) "right to nature"—an opportunity for an immigrant family to experience an excursion, which is not affordable to them even if the only cost is a regional train (buses are now thus planned as well) (Fieldwork notes, 20 July 2017).

The evidence suggests that sanctuary practices of the NSC oppose state repression and regimes of abeyance. Sanctuary practices alleviate the fear that has been increasing due to the change in federal policies; as a result of that fear, the number of people seeking sanctuary has been increasing and the number of volunteers participating in accompaniments has been dramatically increased (Fieldwork notes 12 July 2017). Leaders also note, however, that they are not seeing as many raids in the area, which they attribute to the strength of community activism in New York (Fieldwork notes, 6 July 2017).

Finally, the tension that Attoh (2011) identified between the democratization of city spaces and efforts that place constraints on democracy is crucial for sanctuary research. Much of the work of the New Sanctuary Coalition in New York focuses on individual legal cases that attempt to challenge unjust laws. It is difficult to grasp from these efforts the relevance for the right to the sanctuary city as a broader collective right. This is also particularly the case as legal tools may fail to protect the undocumented; during President Trump's regime, the state acted to limit the rights to asylum and against international laws concerning refugees. On the other hand, other emancipatory collective projects, such as vigils, demonstrations, protests, and walks discussed here, are suggestive of the democratization of the city space.

Sanctuary movements in the U.S. and Canada are distinct from the U.K. sanctuaries used to frame arguments in this chapter. However, the Bagelman (2016) U.K. study is perhaps the most accomplished contribution to the sanctuary literature that, along with other works, shows sanctuary as a contested space, arguing, however, against the grassroots potential of sanctuaries, which was the subject of this

chapter. Yet, there is perhaps sufficient evidence within Bagelman's study as well to seek emancipatory potentials within the sanctuary. Thus, cautiously expressed, conclusions made here are specific to New York's sanctuary practices of the NSC. It cannot be overstated that while the conclusions might not apply to the sanctuary movement more broadly, the focus here is on a small set of examples of sanctuary practices of the NSC's grassroots activism. Indeed, the NSC's vision of sanctuary is quite different from what most of the sanctuary literature offers.

Even if sanctuary can be seen as a set of processes that gives rise to different possibilities, the NSC posits sanctuary as essentially an emancipatory space. There is, however, a disconnect between critical local policies (affordable housing, homelessness, etc.) in New York and the activities of the group, which does not seem to have as developed a coalition with other organizations focused specifically on local or neighborhood politics. The politics of the city and the right to the city are then mostly targeting the state, advancing the rights of immigrants, and using the space of the city to pressure the federal government. In turn, the literature addressing the right to the city does not focus on these types of pressures on the federal government; this study contributes to the expansion of the right to the city's political space to include claims on the state (see also, Coggin 2018).

Sanctuary cities, it could be cautiously argued, have a potential to more robustly realize the appropriations of urban space of the Lefebvrian right to the city and are suggestive of alternative legality grounded in rightful presence primarily through the formation of empowered political subjectivities and the grassroots rhetoric of social justice, rather than, for example, through an institutional policy that would address deep urban inequalities. Nonetheless, the NSC in New York actively dismantles the binary relations between host and guest and disrupts the state monopoly on the legal and political through its accompaniment program and through a variety of sanctuary acts and practices.

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