

GUIDANCE FOR PLACES OF WORSHIP

IMMIGRATION ENFORCEMENT



What To Know

If ICE Arrives at Your Church

Places of worship are not required and cannot be forced to enforce immigration laws.

Handling ICE's Presence



You are not required to answer any questions from ICE and you should seek advice from a lawyer before answering any questions from law enforcement authorities. You are not required to tell them anything about anyone's immigration status.

If there are ICE agents outside or near your establishment, you can send a designated, well-trained staff member outside to ascertain the identity of the individuals. If they are able to confirm that they are immigration agents, that person can reenter to prepare and remind people of their rights or should the agents attempt to gain entry.

Public vs. Private Spaces



ICE agents and/or law enforcement may enter the public spaces of a church or other place of worship without a warrant, but not private areas.

If an ICE agent or other law enforcement officer wants to enter those private spaces, they must present a hard copy of a judicial warrant signed by a federal judge.

KNOW THE DIFFERENCE:

Judicial Warrants vs. Deportation/Arrest Orders

ICE can only access a non-public area if they have a valid judicial warrant, which should be reviewed and validated by legal counsel before decisions about access are made.

A judicial warrant must be signed by a judge, name the location where the agent is permitted to enter, and name the person being sought.



A deportation order or arrest order is not the same as a judicial warrant and does not permit an agent to enter.

"Sanctuary" Churches



Faith groups who declare their place of worship as a "sanctuary" for immigrants are not granted any additional legal protections for the congregation or immigrants.

The concept of "sanctuary" in a place of worship is not recognized by federal law and thus it provides no protection from prosecution for members of the congregation.

Recommendations & Resources for Churches

Before Immigration Enforcement Arrives

1. Learn the implications related to harboring and transporting laws and conduct activities based on perceived risk factors.

Sanctuary congregations and harboring FAQs (ACLU)

2. Prepare and implement an internal policy to protect congregants from immigration enforcement, including:

PUBLIC VS. PRIVATE SPACES

- It is strongly recommended that places of worship create written policy that identifies and distinguishes (ideally with legal advice) private spaces from public ones, if any. Churches should also have signs identifying private areas, or place security guards tasked with signing in visitors at main entrances.

RESPONDING TO ICE

- Internal protocol on the procedure to interact with immigration agents, including protocol for handling law enforcement requests.
- Designation of a well-trained individual or immigration advocacy group personnel to approach ICE agents outside or near the property.



3. Adopt a policy of nondiscrimination at your place of worship and of welcoming and helping persons in need.

Policy should state that all people are welcome regardless of immigration or citizenship status, race, ethnicity, gender identity, or sexual orientation, etc.

4. Create and disseminate educational materials and “Know Your Rights” trainings for congregants and community members.

ACLU Know Your Rights: Immigration Enforcement KYR graphics and wallet cards (ACLU)

5. Host or provide emergency safety planning for immigrant families.

Family Safety Plan (ILRC)

6. Compile and provide contact information for local organizations providing free legal assistance for families.

Immigration Advocates Network

Are there any risks that could result if a faith group makes a public declaration as a “sanctuary” for immigrants?

A declaration itself probably would not justify a prosecution, but it may put the congregation on the government’s radar.

Importantly, most courts have found the federal harboring and transporting statutes have an “intent” requirement, which means that to convict someone, the prosecutor must prove that the person or organization providing shelter to or transporting an undocumented immigrant intended to help the immigrant to remain unlawfully in the United States.

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