

# **Immigration Enforcement – Guidance for Places of Worship**

## **Relevant Laws**

The federal criminal harboring law prohibits concealing, harboring, or shielding from detection (or attempting to conceal, harbor, or shield) an undocumented immigrant, when done with knowledge or reckless regard of the immigrant's unlawful status.

The federal criminal transporting law prohibits transporting or moving (or attempting to transport or move) an undocumented immigrant from one place to another, with knowledge or reckless disregard of the fact of the immigrant's unlawful status, where the transportation helps the immigrant remain in the United States unlawfully.

## **FAQs**

### **Are places of worship required to enforce immigration laws?**

- No. Places of worship are not required and cannot be forced to enforce immigration laws.

### **Can immigration officials enter my house of worship without a warrant?**

- ICE agents and others 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 warrant signed by a federal judge.
- It is strongly recommended that places of worship identify and distinguish (ideally with legal advice) their private spaces from their public ones, if any. This can be done by placing signs identifying private areas, or by placing security guards tasked with signing in visitors at main entrances.

### **Can an immigration agent access a non-public area in a place of worship?**

- No. Only if they have a valid judicial warrant, which should be reviewed and validated by legal counsel before decisions about access are made.
- A deportation order or arrest order is not the same as a judicial warrant and does not permit an agent to enter.

### **What if a judicial warrant is presented?**

- Staff should consult with legal counsel before taking any action.

### **Am I required to talk to a police officer or ICE agent if they enter the congregation and ask questions?**

- No. You are not required to answer any questions 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.

### **Can immigration officials be stationed outside or near a place of worship?**

- Yes. 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 and remind people of their rights or prepare should the agents attempt to gain entry.

**If a faith group publicly declares its place of worship as a “sanctuary” for immigrants, can that provide any additional legal protection to the congregation or to immigrants?**

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

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

- It depends. 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.

## **Recommendations for Places of Worship**

**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.**

- Internal policies should include:
  - Establish a written policy designating private areas;
  - 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. Adopting 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](#)

## **Resources**

- [ACLU Know Your Rights: Immigration Enforcement](#)
- [KYR graphics and wallet cards](#) (ACLU)
- [Sanctuary policies fact sheet](#) (ILRC)
- [Family Safety Plan](#) (ILRC)
- [Sensitive locations toolkit](#) (El Centro de la Raza)
- [Warrants and subpoenas guidance](#) (NILC)
- [Sanctuary congregations and harboring FAQs](#) (ACLU)
- [Immigrant welcoming congregations](#) (Church of Christ)