

# Frequently Asked Questions about Sanctuary and if ICE attempts arrest

## Frequently Asked Questions

### ***Is providing Sanctuary illegal? Can we be arrested or charged with harboring an alien, or some other immigration-related crime?***

Because Sanctuary is most commonly provided in conjunction with a public declaration of who the person in Sanctuary is, and why they are being provided Sanctuary, there is not an intent to conceal. It is also important to note that no congregations have been prosecuted for providing Sanctuary in the past forty years.

### ***What stops ICE, Border Patrol or local law enforcement from coming in and arresting someone in Sanctuary?***

Faith communities (churches, temples, mosques, etc.) are one of the enumerated “sensitive locations” identified by the Department of Homeland Security (DHS) as locations where immigration enforcement actions (interview, arrest, searches, and surveillance) should not occur. It is important to note that this is DHS policy, and not law. The longstanding policy was clarified in a DHS memo in 2011. It is unknown if the DHS will change this policy in the future. The negative publicity from an ICE intrusion into the sacred space of a faith institution is a strong deterrent to ICE coming on our campus to arrest someone in Sanctuary.

### ***Could President Trump ignore or override the Sensitive Locations memo?***

Yes. Although it is possible, there is a long history of recognizing the sanctity of faith communities, and in the past when this has been challenged, faith

communities have joined together to demand the continued respect of this sanctity, even when the groups agreed on little else.

### ***How long does Sanctuary last?***

There is no set time frame: it could be weeks, months or even over a year.

### ***What if we can only offer Sanctuary for a couple of weeks/months, etc.?***

Unfortunately, there is no way to know how quickly a Sanctuary case will be resolved, and as such a congregation must be prepared for Sanctuary to last as long as needed.

### ***What happens if the person in Sanctuary loses their case?***

One of the reasons so few people enter Sanctuary is that there needs to be a consensus between the legal team, the advocates, and the person themselves that theirs is a winnable case. Sanctuary is not offered to every person at risk of deportation – only to those who are believed to have a strong case. There is no guarantee that any case will have a positive outcome, but to date, many Sanctuary cases have been successful, in part because of the process by which cases are chosen. If at some point it becomes apparent that there will not be a satisfactory determination on their case, or if the person in Sanctuary decides that being in Sanctuary is no longer a viable or worthwhile option, there will need to be a careful and intentional conversation to decide when and how to end the stay.

### ***Why does a person need Sanctuary?***

Generally, people enter Sanctuary because they have received a final order of deportation but believe that they have a legitimate case that either has not been thoroughly presented or appropriately argued before an immigration judge and/or their immigration attorney believes they may be eligible for prosecutorial discretion. Often there are extenuating circumstances that could or should have been raised in their defense of deportation that were not, due to expedited rulings, lack of or inadequate counsel, etc.

***With so many immigrants at risk of deportation, what difference can we make accepting a request for Sanctuary from one person at a time?***

Every person in Sanctuary brings gifts to our community, which is diminished when they are removed. For that one person, it will mean the difference between being separated from the life, family, and friends that they know and being unwillingly sent to a place where they most likely have little support or connections. Also, with Sanctuary the congregation becomes part of a movement that sends a signal of solidarity with all people at risk of deportation, many who feel alone and anxious particularly with the current administration. Finally, the goal of Sanctuary is to ultimately end the need for it. By joining with those who already have become Sanctuary congregations we strengthen the movement to end the unjust immigration policies of this nation.

***What if the person wants to leave Sanctuary?***

Sanctuary can feel like house arrest, and there is nothing about it that is easy. It requires a lot of courage, faith, and sacrifice for the person entering Sanctuary, so at any point that they determine that they want to do something else, that decision should be honored. It is always up to the person in Sanctuary to determine if it is successful, necessary, and worth the sacrifice.

**LOGISTICS OF SANCTUARY**

***Can the person in Sanctuary leave to go shopping? To the doctor? To work?***

No. Once someone enters Sanctuary, they must stay in Sanctuary either until they receive a positive outcome on their immigration case, they decide they no longer need/want Sanctuary, or an emergency requires them to forfeit the safety of Sanctuary. It is important to remember that by entering Sanctuary, they have chosen to defy orders of ICE to leave the US, so once they have defied those orders, they must remain in the protective space. It is helpful to think of Sanctuary as a form of “house arrest” or non-prison detention. It is recommended that our congregation have or identify a sympathetic physician,

nurse practitioner or another medical provider, or a health clinic willing to do “house calls” as needed for non-emergency issues.

***What if there is a medical need or a medical emergency?***

If there is a medical need, ideally you will reach out to a medical provider or community clinic to have that need addressed within the walls of the Sanctuary building. If there is a medical emergency where the Sanctuary guest’s life is in danger, then emergency treatment must be sought, unless the guest chooses to deny medical care. These are issues that should be discussed as a part of the decision to bring a specific person into Sanctuary.

***What if they have to go to court?***

This will need to be determined on a case-by-case basis. The first step is to see if an attorney is able to represent them and they can avoid appearing in person. If that is not a possibility, then the guest in Sanctuary will need to determine how they want to handle the situation, ideally with advice from their attorney. There is a wonderful example of creative problem solving from Portland, Oregon where they created a “Church on a bus” in order to transport someone in Sanctuary to appear in front of a judge for another issue while remaining physically in a religious space. In part due to community support, the judge dealt with the case at hand and did not involve himself in the immigration case – only asking confirmation from the minister that the person would continue to have a place in Sanctuary.

***Will the person in Sanctuary become part of our congregation?***

That is entirely up to the person in Sanctuary, but based on our experience, it is highly unlikely. Sanctuary is a social justice commitment, not a recruiting opportunity. It is common for someone in Sanctuary to want to maintain and express their own faith.

***How do we declare Sanctuary?***

Cedar Lane voted to become a Sanctuary Congregation in June of 2017. In most cases, the public declaration is an important component of Sanctuary. One of the reasons for a public declaration of Sanctuary is the light it shines on

the specific case, which allows others to organize and mobilize around it. Bringing attention to the case builds a strong case in the “court of public opinion” which results in pressure on DHS and ICE, which often leads to successful closing of a case. Once a congregation has discerned and decided they will provide Sanctuary, a public announcement is often appropriate if the person going into Sanctuary is willing. This decision should be made in conversation with the partner organizations, and Sanctuary coalition. If there is a possible case on the horizon, we might wait to announce both the decision and the start of Sanctuary at the same time. Public declarations often start with a press conference or a vigil.

**What should I do if someone comes to the church and asks to speak to the family in sanctuary.**

Do not allow anyone access to the individual or family in sanctuary. Refer the person making the inquiry to the attorney or to Faith in Action.

**What should I do if I receive inquiries from reporters about the individual or family in sanctuary?**

Refer the reporter to the communications team at Faith in Action. Do not allow the reporter or video producer access to the building without an attorney present.

**RISK**

***Is there a risk to the congregation in accepting a request from an undocumented immigrant for Sanctuary?***

Providing Sanctuary, as with many actions of “resistance”, does come with some risks. As part of our discernment as a congregation, we are called to assess those risks and balance them with what our religious values call us to be and do.

***Could a Minister, staff person, member or friend be arrested?***

We will not be keeping the identity or the location of the immigrant in Sanctuary a secret. In fact, since one intent of Sanctuary is to change hearts and minds about our current immigration policies, we will seek solidarity from the greater community through various media. Also, if Immigration and Customs Enforcement obtains the proper legal authority, we will not prevent the Agency from entering our campus and taking the immigrant into custody.

The Sanctuary Working Group has prepared a document setting forth what to do in the case of an ICE visit to our campus. Sanctuary is possible (as stated above) based on an ICE policy (not a legal requirement) of not entering “sensitive locations” which includes churches. We do not conceal the immigrant from ICE. It is hard to imagine that ICE or other law enforcement would arrest anyone unless someone directly hindered a law enforcement officer from enforcing a lawful court order signed by a judge to apprehend an individual. Again, ICE policy currently forbids them from taking enforcement actions at churches. No church offering Sanctuary in the manner we are considering has been subject to prosecution.

***Will we receive support from other religious communities? What if no other communities support our efforts?***

There are already a number of congregations that have declared themselves as Sanctuary congregations and others who have offered support. It is not our intent to take on this Sanctuary effort alone. The support of other congregations within our community is anticipated and necessary. This support will come in the areas of publicity, financial and material support, and actions to convince ICE to grant a deferment to our immigrant. This community support will be organized with our partners such as UU partners Faith in Action, DMV Sanctuary Congregation Network, among others.

***Will we become the target for those who oppose our work to bridge the divisions that wound the human family and work for justice?***

Part of the intent of providing Sanctuary is to change people’s hearts and minds to end the need for Sanctuary. Therefore, telling the story of our Sanctuary to the greater community will be important. The community’s knowledge of our religious conviction, however, is no guarantee that we will not encounter public opposition, as is sometimes the case when working to end injustice. To date, no religious community who has declared or provided Sanctuary has been the victim of any type of violence.

## **Can a law enforcement officer enter the church without a warrant?**

Law enforcement officers others may enter the public spaces of a church or other place of worship without a warrant, but not private areas. If a law enforcement officer wants to enter those private spaces, they must have the consent of church leadership or present a hard copy of a warrant signed by a judge. If the officer does not have such a warrant you may instruct the officer to leave.

An ICE warrant allows ICE officers to arrest an individual who is unlawfully residing in the United States. An ICE warrant **does not**, however, allow officials to enter a private space. To arrest an undocumented immigrant inside a private space, the officials must also have a judicial warrant. **Regardless if officer provides a warrant you are not authorized to permit ICE to roam or enter any private area of the congregation.**

## **Am I required to talk to an officer if they enter the church 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. Refer ICE to leadership immediately. You are not required to tell them anything about anyone's immigration status. You should, however, be careful not to provide false information to the authorities regarding an undocumented immigrant, as it could potentially put you at risk. Therefore it is best not to speak to any immigration officer and only refer them to proper congregation authority. Cedar Lane will be offering several "Know Your Rights" trainings. Please check your weekly enews and call the office to find out when the next one will be.

**If I can encounter ICE which person should I refer the officer to in the congregation?**

Should you encounter ICE:

1. Assure that ICE does not roam private areas and ask officers to wait outside.
2. Explain you are not authorized to permit officer in private areas.
3. Ask for a warrant.
4. If no warrant is presented, ask the officer to leave.
5. Regardless if warrant is presented, inform officer they must speak with authorized person in congregation.
6. Immediately contact: Reverend Abhi Janamanchi or Reverend Katie Romano Griffin. Cedar Lane Staff, Pastoral Visitors and the Immigration Justice Team Members have the ministers' cell phone numbers and can reach them immediately.