

INSTRUCTIONS FOR CHURCHES

On January 20, 2025, the Trump Administration rescinded a Biden-era policy that designated churches, schools, and hospitals as “sensitive areas” where immigration enforcement actions were restricted. This policy shift grants Immigration and Customs Enforcement (ICE) agents expanded authority to conduct enforcement operations in these locations without prior approval.

Churches have long been places of worship, refuge, and community support, particularly for immigrants. With this policy change, ICE may now enter church premises to conduct enforcement actions without requiring a specific national security threat or higher-level authorization.

If ICE arrives at your church, it is essential to understand your rights and take appropriate steps to protect your congregation.

Steps to Take If ICE Arrives at Your Church

1. Do Not Let ICE Enter Without a Proper Warrant

If ICE agents arrive at your church, you should:

Ask to See a Warrant: ICE cannot enter private church property without a valid **judicial warrant** signed by a judge.

Do Not Accept an Administrative or Immigration Warrant: Many ICE agents carry administrative warrants (Form I-200 or I-205), which are not signed by a judge. These do not grant them the legal authority to enter without permission. See example: Administrative Warrant

Understanding the Difference Between a Judicial Warrant and an Immigration Warrant

A judicial warrant (see Sample Judicial Warrant) must:

- Be issued by a judicial court
- Be signed by a state or federal judge or magistrate
- State the address of the premises to be searched — ensure the stated address matches the church’s address
- Be executed within the time period specified on the warrant

If the warrant meets all of these criteria, it is a valid judicial warrant, and compliance is required. However, if the warrant lacks any of these elements, lists a different address, or is executed after the specified date, it may be invalid. In such cases, you may:

- (a) Refuse to comply
- (b) Ask the agents to leave

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In contrast, an immigration (Administrative) warrant:

Is issued by a DHS agency, such as ICE or CBP (look for a DHS seal or form number, e.g., Form I-200, "Warrant for Arrest," or Form I-205, "Warrant of Removal/Deportation")

- Is signed by an immigration officer, not a judge
- Includes the word "Alien" in its title
- References the Immigration and Nationality Act, not a court order

An immigration (Administrative) warrant does not authorize ICE to enter the premises without consent. **If ICE presents an immigration warrant, you may:**

(a) Refuse to comply

(b) Ask the agents to leave

Assign Church Leaders to Handle ICE Interactions

To ensure an organized response, churches should designate a few trusted individuals to handle law enforcement encounters. These individuals should:

- Remain calm and polite when speaking with ICE.
- Ask for identification and a judicial warrant before allowing access.
- Take notes, including the agents' names, badge numbers, and any statements made.
- Notify an immigration attorney immediately if ICE attempts enforcement actions.

Protect the Congregation's Rights

If ICE enters your church, whether with or without a proper warrant, congregants should be reminded of their rights:

- **Right to Remain Silent:** No one is required to speak to ICE or answer questions about immigration status. They can simply say, "I am exercising my right to remain silent."
- **Do Not Sign Any Documents:** ICE may try to pressure individuals into signing voluntary deportation forms. No one should sign anything without legal counsel.
- **Do Not Run:** Running or resisting can escalate the situation. Individuals should remain calm and request their attorney. ICE is not required to provide one.

Post Clear Signage on Church Premises

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Churches should have visible signs at entrances stating:

“ICE Cannot Enter Without a Warrant Signed by a Judge.”

“You Have the Right to Remain Silent and Request your Lawyer.”

These signs serve as reminders to both ICE agents and congregants of their legal rights.

Have a Rapid Response Plan in Place

Churches should create a plan for responding to immigration enforcement, including:

- Training staff and volunteers on how to handle ICE visits.
- Developing relationships with local immigration attorneys who can provide immediate legal assistance.
- Creating an emergency contact list of legal aid organizations, community advocates, and media contacts.
- Establishing a communication system, such as a phone tree or messaging group, to notify members if ICE is present.

Offer “Know Your Rights” Training for the Congregation

Churches should regularly provide training sessions for members, covering:

- What to do if ICE stops them on the street or at home.
- How to respond if questioned about immigration status.
- What documents to carry to protect themselves.
- Have a consultation with your attorney to identify non-public spaces and implications of being a self-declared sanctuary space

ICE agents may enter public spaces that are open to congregants but cannot enter private areas such as offices or parsonages.

Churches should clearly define which areas are private and restrict public access when appropriate.

Churches that choose to designate themselves as “sanctuary spaces” should be aware of potential legal risks, including criminal laws against harboring potential criminals and possible protections under the Religious Freedom Restoration Act (RFRA).

By taking these steps, churches can better prepare for possible immigration enforcement actions and ensure that their communities remain informed and protected.

Disclaimer:

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The information provided is for general informational purposes only and should not be construed as legal advice. Each individual's situation is unique, and you should consult with a qualified attorney or legal organization to review your specific case and circumstances.