

RIGHTS OF PLACES OF WORSHIP WITH THE REVOCATION OF SENSITIVE LOCATION POLICY

This document provides guidance to places of worship that offer refuge to undocumented individuals actively sought by Immigration and Customs Enforcement (ICE), have congregants who are undocumented, and/or provide services to undocumented families. This guidance does not constitute legal advice, and it is recommended that places of worship consult with an attorney.

RESOURCES FOR GUIDANCE

- [Sanctuary Congregations and Harboring](#)
- [Immigration, Refugee and Asylum Task Team](#)
- [Churches Have a Long History of Being Safe Havens](#)
- [Know Your Rights in Your Home](#)
- [Know Your Rights if ICE Visits Your Home](#)
- [Resources for Churches Regarding Immigration Enforcement](#)
- [Sanctuary: Legal Considerations for Faith Communities](#)
- [National Immigration Law Center: What To Do If Immigration Comes To Your](#)
- [Workplace Houses of Prayer for All People: Churches Free from Intimidation or Fear](#)

BACKGROUND

In recent years, the role of churches as places of refuge for individuals avoiding Immigration and Customs Enforcement (ICE) detention has increased. Individuals facing deportation due to immigration law violations may seek protection in churches, believing that a church's "sanctuary status" could shield them from immigration enforcement. Additionally, places of worship have relied on an ICE policy that typically avoids conducting enforcement in "sensitive locations" to provide refuge. This longstanding policy did not officially designate places of worship as "sanctuary" and did not prohibit enforcement in urgent situations.

In January 2025, the policy guidance that discouraged immigration arrests at sensitive locations such as schools, places of worship, and health care facilities was revoked.

UNDERSTANDING THE LIMITS OF OFFERING REFUGE

To understand the legal limitations on preventing law enforcement from making arrests on their premises. A church may serve as a refuge in various situations, such as protecting victims of domestic violence, shielding minors from abusers, or offering a warm place to sleep during cold weather. But a church is not, as a general rule, a place where suspected fugitives can successfully hide. The law does not prevent police, including immigration enforcement and other specialized units, from entering church grounds to arrest a criminal suspect, immigrant fugitive or a person with final order of deportation who has claimed religious sanctuary.

PUBLIC AREAS VS PRIVATE AREAS

As a general rule, 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. If ICE agents or others ask to enter the private space, the occupant or owner may demand to see the warrant. Ask that it is slipped under the door or shown through a window. Only after confirming it is signed by a federal judge should you allow them to enter. If the officer does not have such a warrant (including if he or she only has an ICE warrant), you may instruct the officer to leave. See below Preparing for and Responding to a Search Warrant Raid.

HARBORING COULD BE A CRIME

Church leaders must give careful consideration to the potential consequences for the church and its personnel before offering refuge to someone who is running from law enforcement. Harboring a person actively sought by ICE is often a criminal offense. For example, federal immigration law provides that harboring undocumented immigrants “in any place” is a crime. Anyone who knowingly gives assistance to a fugitive may be subject to arrest and prosecuted, and the church itself may be subject to criminal fines.

WHAT IS CRIMINAL HARBORING?

Under the federal immigration laws, harboring is sheltering an undocumented immigrant and assisting him or her to remain unlawfully in the United States. Importantly, in order to be found guilty of harboring, it must be proven that the defendant harbored the immigrant with knowledge or reckless disregard of the immigrant’s unlawful status.

To constitute harboring, knowledge or reckless disregard of an individual’s unlawful presence would be required. Caselaw also requires evidence of substantial facilitation or intent to violate the immigration laws. In most jurisdictions, such evidence could include activities such as concealing the undocumented immigrant from the authorities or providing advice on how to evade immigration authorities.

WHAT IS NOT HARBORING?

Providing food and shelter with nothing more. For example, a congregation that operates a shelter is under no obligation to ascertain or monitor the immigration status of those whom it serves.

Living with someone undocumented or providing housing to (or rooming with) a friend or loved one who happens to be undocumented is not considered unlawful under the federal harboring law. Similarly, renting a room or apartment to a tenant who happens to be undocumented is unlikely to be considered unlawful.



PREPARING FOR A WARRANT RAID

Training for emergencies that require immediate and coordinated responses should be second-nature for congregations with undocumented immigrants or offering refuge. Preparation for the execution of a search warrant is critical for places of worship.

WARRANT PRIMER

A warrant is a legal document that gives law enforcement the authority to make arrests, search property, or seize property. It is issued by a judicial officer after a finding of probable cause—meaning there is a reasonable basis to believe that a crime has been committed and that evidence of that crime will be found at the location to be searched. Search warrants are executed by law enforcement without any notice to the target or time to prepare a response. Execution of a search warrant is often a congregation’s first indication that it is the subject or target.

PREPARING A PLACE OF WORSHIP

Establish Appropriate Procedures.

Develop a search warrant response protocol consistent with this guidance.

Identify Key Church Personnel.

Form a search warrant response team at each facility. Designate a response team leader. This should be either a senior manager, compliance officer or the head of the congregation. This leader and other appropriate officials should be responsible for coordinating a response to a warrant.

Identify Private Area.

Clearly identify nonpublic areas of the congregation. Maintain closed and locked as safety permits.



MANAGING LOGISTICS DURING A SEARCH WARRANT RAID

You should educate your warrant response team on the following procedures:



Call Response Team Leader.

Agents' first contact is often a receptionist or security officer at the entrance to the facility/office. This individual should politely (1) advise the agent that they do not have authority to accept legal process on behalf of the church; (2) request permission to contact someone with this authority before the agents continue; and (3) immediately notify the response team leader that agents are on the premises with a search warrant and the response team should assemble immediately.

Call Outside Counsel.

The response team leader should immediately contact outside counsel.

Control Information Flow.

Tell the Government that it is the church's policy to cooperate with the search and that all questions should be directed to the designated response team leader. Upon arrival, outside counsel should serve as the main liaison with the agents, prosecutors, and issuing court.

Negotiate Reasonable Procedures.

Ask the agents to hold off the search for a brief period until outside counsel arrives. If this request is not honored, request that the agents participate in a pre-search telephone conference with outside counsel. If the agents refuse, seek to negotiate some ground rules for the search, including making copies of seized documents, computer data, and crucial business information such as personnel records, payables, receivables, customer lists, sales information, and billing records.

Gather Basic Information.

Obtain copies of search warrants (and all attachments), supporting affidavits, and subpoenas. If you are not permitted to review a document, ask why it is not being provided to you. Ask for business cards from all agents on the premises. This is an easy way to record the identity of all agents involved in the search and their respective agencies. Ask questions about the purpose of the search and the nature of the investigation.

Review the Search Warrant Carefully.

Assure the warrant is signed by a federal judge. If not, do not allow entry.

- The search warrant will describe the premises and establish parameters for the authorized search. Confirm the premises description includes your address (in the unlikely event agents have the incorrect address). Identify time limitations for the execution of the search and the specific areas the agents are authorized to enter. The warrant may not necessarily provide the agents access to all parts of the facility. If it does not, then the agents should be confined to only the specified areas. If the agents insist on entering areas not specified in the warrant, then the response team leader should politely object. Although this may not prevent entry, it will eliminate the Government's ability to later argue that consent was given to expand the search. Take detailed notes or photographs of the agent's conduct.

Document Communications and Search Activities.

Ask to accompany the agents to direct them to areas described in the warrant. Take extensive notes regarding places searched, employees questioned, questions asked, statements made, time involved in each part of the search, and so on. Questions about certain items' locations contain valuable information about the Government's sources of information and possible investigative focus. The agents are not required to allow you to accompany them.

Manage Employees.

Gather all non-essential employees in a central location separate from the search. Inform them of their rights and obligations. After educating employees, send all non-essential employees home. Otherwise, agents will likely seek to interview key employees during the search. If the agents request to interview employees, respond that you would like to discuss the issue with counsel. If agents proceed with interviews, request that outside counsel be present.

Cooperate.

Be courteous, cooperative, and quiet.

ACTIONS TO AVOID DURING A SEARCH WARRANT RAID

Do not interfere with the Government's investigation. Specifically, employees:

Must Not Interfere with the Search.

Do not do anything that may be interpreted as obstruction. Do not destroy, modify, remove, or conceal records or other materials. Do not intentionally make false statements to any federal agent.

Must Not Volunteer Information.

Do not volunteer any information without appropriate authorization informed by counsel's advice. Your employees do not have a legal obligation to submit to an interview by government agents. Neither the church nor your employees are required to authenticate documents seized or otherwise respond to any questions.

Must Not Expand the Scope.

Sometimes, agents may ask for consent to expand the search beyond the scope the search warrant permits. Do not consent to additional searches that the warrant does not authorize without consulting counsel about potential consequences. The church has no obligation to consent to this expansion. It does not have to decide immediately whether to voluntarily produce documents to the Government. The church can always agree to cooperate and voluntarily provide requested documents after the search after consulting with counsel.

Must Not Prohibit Employees from Speaking to Government Agents.

Inform employees of their rights and obligations, including the right not to speak with law enforcement, then send all non-essential employees home.

Should Not Consent to Voluntary Interviews Without Counsel.

Request that outside counsel be present during any employee interviews.

Must Not Waive Privilege.

Do not communicate about privileged matters in a way that may waive the privilege.

EMPLOYEE ADVICE CHECKLIST

- Agents have a legal right to search the premises and seize evidence designated in the warrant.
- Employees should not obstruct the search.
- Employees have no legal obligation to participate in an interview with agents.
- Anything employees say can be used against them in a criminal prosecution or civil enforcement proceeding regardless of whether agents warn them.
- Only give truthful, non-misleading answers.
- If employees grant interviews they have a right to have an attorney present.
- The church requests employees notify the church's counsel before interviewing so that the church's counsel can be present.
- If employees are questioned outside the church's counsel's presence, employees have a right to tell the church about the substance of their interviews.