HOW TO BE A SANCTUARY CONGREGATION

This document is for congregations of churches, synagogues, mosques, and other faith-based communities, though “house of worship” is the term used to apply to all religions.

BACKGROUND BASICS:

What is Sanctuary?

Immigration and Customs Enforcement (“ICE”) has a policy of not coming into religious spaces to pick up immigrants for deportation. (This is not a law, just a long-standing policy, based on traditions in the United States and Europe.)

Therefore an immigrant facing deportation may seek protection from ICE by coming into a house of worship to stay “in sanctuary” for some period of time.

Some houses of worship declare themselves an official “Sanctuary Space” because that label shows immigrants that this place of worship is open to them, and that it intends “sanctuary” to imply the protection of the Divine as well as the limited protection humans can give.

A “SANCTUARY HOUSE OF WORSHIP” OFFERS ONE OR BOTH OF TWO VARIETIES OF SANCTUARY:

1. Short term Sanctuary – “Safe Space”: If an immigrant has not been named as an ICE target for immediate deportation, taking Sanctuary in a house of worship may be useful for a short time (a few hours, one day, or a short overnight stay) to help the immigrant feel safe and become calm rather than panicked, and to get information on what to do next, so they can make good plans. This usually would happen in the event of immigration raids or acts of hate occurring in the area. Immigrants also face day-to-day struggles that faith communities should be ready to address through short-term sanctuary.

2. Long term – “Physical Sanctuary”: If an immigrant with a final deportation order is an actual named target for immediate deportation, going into Physical Sanctuary may be a way to
avoid deportation for an indefinite period, which could last for weeks or months or even years. The immigrant moves into the house of worship and lives there full-time until some agreement can be made with ICE to let the immigrant live outside the house of worship without fear of being immediately deported.

Once an immigrant comes into physical sanctuary, he or she cannot leave the Sanctuary building for any reason – they cannot go to work or school or even to buy food or receive medical care etc. All living needs (food, bedding/bathing facilities, medical care, companionship, entertainment, etc.) must be provided by the targeted immigrant’s non-deportable family members and/or the congregation and/or a group of congregations organized for this purpose.

When long-term sanctuary is agreed to by both parties, it is necessary to get advocates (preferably a lawyer), to negotiate with ICE to get an agreement to let the immigrant stay in the community rather than being a target for deportation right away. Only when some agreement is in place will it be safe for the immigrant to leave the house of worship building. (Or, as in the 1980s Sanctuary Movement, when Congress passes immigration reform laws that allow such immigrants to remain in the United States with some legal status.)

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**SITUATIONS IN WHICH AN IMMIGRANT MIGHT SEEK SANCTUARY:**

- When ICE has told an immigrant who has a final order of deportation to report for deportation (“bag and baggage order”) on a specified date, or
- When ICE conducts a raid in a neighborhood, looking for the particular immigrant - one who has a final order of deportation, but has not been seized because either ICE cannot find that person, or the person’s family will not open the door to let ICE in to seize the person, or
- When ICE is conducting raids in a particular neighborhood and an immigrant is afraid that he or she is, or could become, a target that ICE would detain. Many immigrants fear that they will be grabbed during a raid even if they are not a named target, and may need a Sanctuary for a short time to calm down, to get accurate and up-to-date information, and to make plans.

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**DETAILS:**

**WHY WOULD A HOUSE OF WORSHIP WANT TO OFFER SANCTUARY?**

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Since the Immigration and Customs Enforcement agency (“ICE”) has a policy of not coming into religious spaces to pick up immigrants for deportation, religious congregations have both a special ability and special imperative to help vulnerable people who fear being rounded up by ICE.

From their founding, religious communities have looked beyond themselves to a reality that is committed to the whole. Their gatherings around this reality are usually centered around places of worship, sacred spaces often termed “sanctuaries” (from the Latin sanctum, meaning to “set apart”). These sacred spaces have often also served as community centers that attended to those neglected: the poor, the widow, the sick, and the stranger. This spiritual reality has been expressed as the Hebraic dignity of the person, Christianity’s unconditional love, the Qura’nic attribute of mercy, or Buddhism’s loving-kindness. Whatever form the expression takes, all religious traditions have been charged to care for the vulnerable, not just for their own members.

In our time, this surely includes vulnerable immigrants. Today that would include those fleeing the horrible violence in several Central American countries, and also those who have been in the U.S. for many years, many of whom have spouses and/or children who are U.S. citizens, so that deportation would break up an American family. Religious communities are confronted with the opportunity to live up to the fullness of their spiritual potential—to help make a whole that honors the dignity of all people.

**WHAT DOES BEING A SANCTUARY HOUSE OF WORSHIP MEAN TODAY?**

“Sanctuary” today has a broad definition. It does not only mean providing “physical sanctuary” to house an immigrant or family for an indefinite period. It also means providing “a safe space” to flee to for a short time—such as when ICE is doing a raid in the neighborhood and many immigrants fear that they might be seized even if they are not on ICE’s target list, and need a place to feel safe until the immediate danger passes.

Under this broader definition, a Sanctuary House of Worship can open its doors to fearful people to let them stay in a safe space while they get the latest information, learn their rights, and plan what to do next. Very few immigrants will want to take “physical sanctuary” once they learn the details; instead, they will learn how to fight for their rights wherever they are.

**WHAT ARE THE RISKS TO A HOUSE OF WORSHIP IF IT DECLARES ITSELF A SANCTUARY HOUSE OF WORSHIP?**

To date, no house of worship has been sued or otherwise harassed or punished by the government for being a Sanctuary House of worship for immigrants. In the 1980s, a few individual clergy were sued for harboring or transporting immigrants in violation of the law, but in the current immigration crisis of the 2000s, so far, the government has not tried to act against any Sanctuary house of worship or clergy leaders.
The immigration law (8 USC 1181 section 1234(a)(1)(A)(iii)) says a crime is committed by anyone who “conceals, harbors, or shields from detection” an immigrant who the person knows is remaining in the country in violation of law. However, if a house of worship simply houses such an immigrant but does not try to “conceal” or “shield” them from ICE detection, and preferably actually tells ICE where the immigrant is now living, there is case law, at least in some federal court districts, that this does not constitute “harboring,” and the sanctuary house of worship has therefore not committed a crime. Because no house of worship has yet been sued under this law, the Supreme Court has not yet had the opportunity to say whether this interpretation is correct. Obviously there is no way to predict what courts in the future might do. It would be helpful to locate an immigration lawyer as a consultant, in case issues arise for the house of worship or its leaders or an immigrants in sanctuary. Notify the New Sanctuary Coalition if you need help locating a lawyer to consult on the prospect of providing physical sanctuary.

A more likely actual “risk” is not a legal one. It is the practical risk of having to actually house an immigrant long term, with the extra work and inconvenience that will involve. An immigrant who has a legitimate fear of immediate deportation must stay “in sanctuary” full time. To be safe from ICE, sanctuary housing and care must be in the house of worship’s worship building – not in its school or clergy residence or other building, where ICE could enter. The house of worship and its community will need to provide furniture, bedding and linens, bathing facilities, food and/or cooking facilities, care, and companionship for an immigrant (possibly for an entire family) for an unknown period of time until it is safe for the immigrant(s) to leave.

WHAT IS THE PROCESS TO BECOME A SANCTUARY HOUSE OF WORSHIP?

The house of worship authorities should decide however such decisions are made in that particular house of worship – for example, by a pastor alone, and/or the bishop or other judicatory official, and/or a vote by the house of worship council and/or entire congregation. They should decide if the house of worship will offer physical sanctuary (housing) or only short-term sanctuary.

Notify the NYC New Sanctuary Coalition (or other local Sanctuary organization in your community) so it can list you on its website and other materials as a Sanctuary House of worship.

HOW DOES A DECLARED SANCTUARY HOUSE OF WORSHIP GET READY TO OFFER SANCTUARY?

1. Designate who in the house of worship staff and/or lay leaders will be the Sanctuary “coordinator” for the house of worship. If possible, form a Sanctuary committee or task force including the coordinator and other staff and lay members.

The coordinator and/or task force will do the following:
A. Assign someone(s) to create and distribute flyers about Sanctuary, that will include your house of worship’s name and its phone number to call for this purpose. Give the flyers to other houses of worship, local community organizations, immigrant advocacy groups, elected officials, neighbors, etc. so immigrants can learn that you are a Sanctuary house of worship if they need one.

B. Contact the local New Sanctuary organization and/or other immigrant advocacy offices.
   - Tell them you are becoming a Sanctuary congregation and give your contact information, so they can list you on their website of Sanctuary houses of worship.
   - Ask them for “Know Your Rights” materials to give immigrants who inquire.
   - Ask them what lawyers may be available to represent any immigrants who do take physical sanctuary, and will need legal help to negotiate with ICE about their case, to be able to leave Sanctuary safely.

C. Designate who (clergy, immigration coordinator, other) will
   - answer the house of worship’s phone line listed for immigrants to call (day or night if at all possible) to talk to those who call about sanctuary, and
   - who should be called to talk in person to immigrants who show up at the house of worship to seek sanctuary, and to give them appropriate materials and latest information.

D. Instruct the staff at your “front desk” (wherever people enter to seek help), that if an immigrant comes in and asks for protection, they should:
   - take the person to sit in the house of worship space (“sanctuary”) or other safe space;
   - notify the designated person to come and talk with the immigrant;
   - call the NYC New Sanctuary office (or other local Sanctuary organization) to say an immigrant has asked for sanctuary.

2. **Prepare to respond if/when someone does ask for overnight Physical Sanctuary:**

   A. Designate and set up a room in your house of worship building (in the same building as the worship space, not in a detached school or clergy residence, which is not safe from ICE) where an immigrant and/or family could stay safely and as comfortably as possible.

   B. Organize a group of volunteers ready to go food shopping, bring in cooked meals if there is no place to cook, handle laundry, provide company, etc.

   C. Prepare to be the subject of media attention; get advice on handling it; have a statement of why you are doing this ready to give the media or other inquirers.

3. **Get acquainted with your local elected officials and local police precinct commanders.**
Talk with them about the possibility that if people in the area believe that ICE is conducting raids in the neighborhood, you may be in touch with them to find out what is going on, so you can give accurate information to any immigrants who will come to your house of worship to seek short-term sanctuary. For instance, if immigrants report that somebody is picking people up and fear that it is an ICE raid, the precinct officer can say whether it is really the police arresting people for other crimes, rather than ICE picking them up for deportation. But if indeed it is an ICE raid, you will need to know that in order to notify immigrants what their rights are in that situation.

4. Start talking to other houses of worship in your area who may not be Sanctuary Houses of worship themselves, but may be willing to partner with you to provide volunteers or food or money or lawyers etc. if your house of worship does have people in physical sanctuary, which will take extra help.

WHAT TO DO WHEN IMMIGRANTS ACTUALLY CONTACT YOUR SANCTUARY HOUSE OF WORSHIP FOR HELP?

A. Responding to phone calls:

ICE raids often occur at 5 to 7 a.m. to find people at home, and ICE may hang around for awhile to pick up anybody who leaves the house, such as to put out the garbage or go to work or school.

Immigrants who believe this is happening may phone the house of worship’s emergency number.

The house of worship’s designated first responder will talk to the callers about what is going on – is it a raid? A rumor that there may be a raid soon? Somebody at the door trying to get them to open it? Some other fear?

i) If they fear a raid but nobody is actually at the door to pick them up and they have not seen any ICE agents near them, they should be told to come to the house of worship when it is open – tell them when that is -- for updated information on what is happening.

Then (during business hours) the first responder should call the police and/or New Sanctuary to find out what is going on.

ii) If the caller says there is someone at the door, tell them to ask to see a warrant; tell them to not open the door to see a warrant – ask for it to be pushed under the door or placed up against a closed window to see it. ICE is not allowed to come inside unless they show an actual court-ordered arrest warrant for a person

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who is actually in the premises. A warrant from ICE without a judge’s order is not enough. It is not OK to let ICE in just to see that the person they want is not there – they may pick up somebody else. Tell them to wait inside and watch for when the ICE agents have left the area and only then actually come to the house of worship (when it is open) for safety and information.

iii) If there is an actual pick-up in process or if the person has already been seized, get the names of those detained so you can notify New Sanctuary to follow up.

B) Responding when an immigrant comes to the house of worship in fear of an ICE raid:

- Take them to the sanctuary or other safe space to sit and relax.
- Talk to them about why they came – what do they think is going on; what do they fear?
- Tell them what you already know about the actual situation, or say you will find out.
- Give them a Know Your Rights publication to read.
- Pray with them.
- Tell them they can stay in the safe space as long as they need to feel safe, and that you will check on them from time to time.
- Then call New Sanctuary to discuss strategies and a plan of action, which could include:
  - Calling, going out, or sending out people to verify that a raid is taking place,
  - and if it is, to document what is happening.
  - Setting up a Know Your Rights training session at the house of worship for the community.

C) Responding to immigrants who ask for longer-term physical sanctuary:

The designated sanctuary leadership person or group will:

Learn the immigrant’s story:

- Why/when they came to the US?
- How they have been living since then?
- What interactions they have had with ICE?
- Do they have a lawyer?
- What makes them think they are in immediate danger of being detained/deported?

Explain what being in physical sanctuary involves:

- Living inside the house of worship until a safe release can be negotiated with ICE.
- Without being able to leave the premises at all.

Make your own determination whether this immigrant is suitable for physical sanctuary:

- Has a reasonable fear of immediate deportation;
✓ Understands the hardships and can handle them;
✓ Understands that it may take months or even years to be able to leave;
✓ Appears to have the character to withstand this experience, and
✓ If possible, is articulate and able to explain their reasons for sanctuary to others.
✓ Decide whether to offer physical sanctuary to this person and if so, make the offer.

If they still want to accept your offer of physical sanctuary after learning the hardships of living in virtual house arrest in the house of worship, take them to the designated room and explain where they can sleep, bathe, eat – whether they can cook or must have meals brought in – and where else in the building they may safely visit and when, given the house of worship’s regular events.

Notify New Sanctuary that an immigrant has taken physical sanctuary, to get help and advice on how to handle the likely media interest and negotiations.

Alert your congregation’s sanctuary committee to start assisting in daily living arrangements as needed. This may include notifying the neighboring congregations that you have asked to help in such a situation, by signing up to bring food, etc. as needed.

Tell the entire congregation; at a suitable occasion, introduce the sanctuary immigrant(s), and have a celebration!