

If ICE comes to Church

Public vs Private spaces

Generally speaking, ICE agents may enter public spaces that are open to congregants but cannot enter private areas such as offices and parsonages without a judicial warrant. Places of worship should clearly delineate what areas are private and/or if areas are only open to the public at certain times (Recommendations for Places of Worship from National Immigration Law Center).

You are advised to be in touch with your local law enforcement to understand how they may respond in the case of ICE action.

Staff, greeters, wardens, and ushers should be prepared to understand how to interact with ICE and other law enforcement agents. However, each individual will need to assess their own safety and risk should an interaction occur:

- Ask for identification.
- If there is a deacon or priest serving your congregation, notify that person immediately; inform the Wardens.
- Notify Canon Rosalind Hughes: rhughes@dohio.org; 216 774 0456.
- Take a copy of the ICE official's credentials and request the official's business card.
- If the ICE official refuses to provide identification; politely stop the conversation and ask the individual to leave the building.
- ICE officials are not permitted to enter the building or (if the building is open) move beyond the main lobby unless they have a judicial warrant (see below) and an employee escort.
- Exercise your right to remain silent; do not share any information about parishioners, clients, or staff.
- Do not sign any documents that ICE provides to you.
- Do not provide any documents or verification of any information to the ICE official.
- After the encounter, send all information relating to the incident to Canon Rosalind Hughes.

Signs are available for congregations to post on doors and/or in parking lots

If ICE uses a church parking lot to "stage" their vehicles, it may be possible to ask them to relocate, if the space is designated as private property. Contact Canon Rosalind with the number of signs required to receive them free of charge.

A note: "Harboring" laws apply to actions that intentionally shield people known to have non-legal resident status from law enforcement activities. **Harboring laws do not prevent a congregation from serving people at worship services, food pantries, providing ride shares, raising money for legal proceedings, hosting family preparedness seminars, etc, regardless of immigration status.**

There is no reason for a church to keep records of individuals with non-legal resident status.



This Church is part of the
Episcopal Diocese of Ohio

We provide sanctuary for all

Immigration and Customs Enforcement (ICE)
and Customs and Border Protection (CBP)
agents may not trespass or enter
this private property,
including the parking lot,
without a valid and specific judicial warrant.

*[The Lord said,] Have them make me a sanctuary, so that I may
dwell among them (Exodus 25:8)*

A Word about Warrants

An **administrative warrant** can be self-issued by an agency such as ICE; it allows law enforcement to detain a person in public places;

A **judicial warrant** is needed to enter private spaces without invitation or permission. A judicial warrant should have the name of the person being sought, the location in which the warrant is to be exercised, the date by which the warrant is to be exercised, and the signature of a judge or magistrate.

Just as at home, in private or restricted areas of the church, staff or volunteers do not have to open the door to ICE or law enforcement without seeing a judicial warrant first. However, these may be high-stress and dynamic situations, and there are risks to obstructing law enforcement actions.

JUDICIAL WARRANT

A judicial warrant issued by a court; Una orden judicial es emitida por una corte

UNITED STATES DISTRICT COURT
for the
District of New Jersey

In the Matter of the Search of
(Briefly describe the property to be searched or identify the person by name and address)
123 Broad Street, Newark, NJ, Apt. 4

Case No. 17-1234

A judicial warrant includes the address being searched; Una orden judicial incluye la dirección de la búsqueda

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the (Identify the person or describe the property to be searched and give its location)
District of New Jersey
123 Broad Street, Newark, NJ, Apt. 4 and all common hallways and lobby of building

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (Identify the person) (describe the property to be seized):
John Doe, A-123-456-789, a deportable alien with convictions for crimes involving moral turpitude;
Goods stolen from XYZ Retail at 123 Commerce Street, Newark, NJ, in a robbery allegedly involving John Doe.

A judicial warrant includes the time when the search must take place; Una orden judicial incluye el tiempo cuando la búsqueda debe de ocurrir

YOU ARE COMMANDED to execute this warrant on or before April 24, 2017 (not to exceed 14 days)
☒ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to
Jane Smith U.S.M.J.
(United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)
☐ for _____ days (not to exceed 30) ☐ until, the facts justifying, the later specific date of _____

Date and time issued: 04/10/2017 10:00 am

City and state: Newark, NJ

Jane Smith
Judge's Signature
Jane Smith, United States Magistrate Judge
Printed name and title

A judicial warrant must be signed by a judge; Una orden judicial debe de estar firmada por una juez

ADMINISTRATIVE WARRANT

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

WARRANT OF REMOVAL/DEPORTATION

An administrative warrant is issued by DHS or ICE, not a court; Una orden administrativa de ICE es emitida por DHS o ICE, no una corte

File No: _____
Date: _____

To any Immigration officer of the United States Department of Homeland Security:

(Full name of alien) _____
who entered the United States at _____ on _____
(Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

☐ an immigration judge in exclusion, deportation, or removal proceedings
☐ a designated official
☐ the Board of Immigration Appeals
☐ a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of _____

An ICE administrative warrant is signed by an immigration officer or an immigration judge; Una orden administrativa de ICE es firmada por un oficial de inmigración o juez de inmigración

(Signature of immigration officer) _____
(Title of immigration officer) _____
(Date and office location) _____

Nonprofit organizations that provide low-cost help: www.immigrationlawhelp.org.

Immigration courts list lawyers and organizations that provide free legal services: www.justice.gov/eoir/list-pro-bono-legal-service-providers-map.

<https://www.immi.org/en/Info/FindLegalHelp> is a search engine to find legal services by zip code.

American Immigration Lawyers Association's online directory: www.aialawyer.com.

The National Immigration Project of the National Lawyers Guild online find-a-lawyer tool:

<https://nipnlg.org/work/find-attorney>.

(Resources from National Immigration Law Center)