



# KNOW YOUR RIGHTS IN PLACES OF WORSHIP

On Jan. 20, 2025, DHS issued a [directive](#) rescinding the protected areas policy that had previously provided relative safety from immigration enforcement in certain places providing essential services or activities. This [included](#) areas such as schools, places of worship and religious study, domestic violence shelters, places where disaster or emergency relief is being provided, and many other locations.

## Rights of Immigrants

- Right to remain silent (Fifth Amendment)
  - Do not tell the officer your country of nationality.
  - Talk to a local advocate about whether you must produce identification.
- Reasonable expectation of privacy (Fourth Amendment)
  - ICE must have a judicial warrant or specific consent of a person to enter non-public areas.
- Right to refuse a search.
- Right to speak to an attorney.
- Right to refuse to sign documents.

*\*Please note that one must actively state that they are exercising these rights to ensure they are preserved (even if immigration enforcement does not adhere to them).*

## Religious Rights and Issues to Consider

- The First Amendment
  - Religious Liberty (The Free Exercise Clause)
  - Rights of Association
  - Freedom from governmental interference in expressive association when engaging with others in protected religious exercise, speech, or peaceable assembly.
- Separation of church and state.
- The Religious Freedom and Restoration Act of 1993 (RFRA)
  - Prohibits government from “substantially burdening a person’s exercise of religion” unless it (1) “furthers a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest.”
- The [Fourth Amendment](#).
  - Individuals are free from illegal searches or seizures.
    - Reasonableness of the search dependent on expectation of privacy in the areas searched.

## Important Updates/Litigation

- Currently, certain Quaker groups and other religious groups have filed [suit](#) because of how the rescission of the policy was deterring members from attending services.
  - A federal judge [barred](#) immigration agents from conducting their enforcement at these very specific locations named in the suit.
- On Feb. 11, 2025, other groups rooted in Jewish and Christian faiths [filed](#) suit as well. The complaint [stated](#), “Animating these associations are Plaintiffs’ central and sincerely held religious beliefs in providing sanctuary, welcoming the stranger, caring for one’s neighbor, and worshipping God in community, among others. These beliefs extend to the inclusion of immigrants in church services and activities, regardless of legal status.”

## Best Practices for Places of Worship

- Establish a written policy designating public and private areas, how to respond to immigration enforcement, and how immigrants are protected.
- Ensure the signage clearly shows public versus private areas.
- If there are areas that do not seem to clearly fit in public or private, enact policies and provide messaging around the spaces to limit access (when able).
- Avoid asking for immigration status.
- Know state, county, and municipal laws and protections.
- Consult with your diocesan attorneys about what you can and cannot do in your parishes or Catholic agencies. Legal professionals can guide places of worship through the nuances of the law, ensuring compliance and reducing the risk of legal complications while establishing policies to protect your immigrant communities.
- Designate specific staff to talk to ICE. Ensure all staff are trained to contact that person if ICE shows up and to tell ICE that they are not authorized to provide them with information or access to non-public areas.
- Inform staff and congregants of ways arrests may happen in these sacred spaces:
  - When there is imminent danger to public safety;
  - Through a judicial warrant; or
  - Through consent from church authorities.
- If there is a valid judicial warrant, have policies in place so that arresting authorities exercise caution and minimize disruption to ongoing religious activities.
- Document all interactions with immigration enforcement to ensure they are not exceeding their scope.

## Sanctuary Policies

- Remember that there are harboring laws that could impact your assistance to immigrants. In order to know your potential liability for your particular locality, please consult with an attorney.
- NIPNLG, [Setting the Record Straight About Sanctuary Policies: A Response to Threats Against Sanctuary Cities](#)
- ACLU, [Sanctuary Congregations and Harboring FAQ](#)