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# Churches Helping New Migrant Neighbors in Need – US Policy Changes and Legal Challenges

Presenter:

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# Know Your Rights

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# What's At Stake?

Safe Access to and Operation of Community Ministries/Services on House of Worship property.

Worship services

Food Pantries

Housing and Shelter

ESL and Job Training Programs, etc.

- A lot goes on at houses of worship.
- They all teach neighbor love.
- Yet ICE terror is preventing our neighbors from getting needed ministry help, services, and food.



# Aren't Houses of Worship Protected Areas for All Faiths?

**Not any more.** Not since an Executive Order was issued on January 20, 2025, rescinding prior policy.

However, one narrow Court ruling, issued February 24, 2025, in favor of three specific religious groups, returns the earlier policy of “protected space” **where ICE cannot go** to these groups only: **Sikhs, Quakers, and Cooperative Baptist Fellowship.**

The PC (USA) and other faith-based organizations (“FBO”s) brought a separate suit for relief (in early February 2025) and still await a court decision.



# Is the Food Pantry Safe in our Church Basement?

- **It depends which church.** Cooperative Baptist, Quaker, or Sikh worship sites are protected areas.
- Other FBOs need to seek relief from Court.
- How to Help Staff and Vulnerable Neighbors:
  - Post Signage that ICE is not welcome
  - Teach your staff their “rights at the door”
  - Provide side door and back exits
  - Reduce bottlenecks at entries
  - Provide pre-packed grocery bag pick-ups
  - Establish a Buddy System for the vulnerable
  - Encourage the vulnerable not to carry a passport



# What Happened?

October 27, 2021: President Biden’s Sec. of Homeland Security Alejandro Mayorkas issued a memorandum (i) listing “**protected areas**,” including schools and houses of worship, and (ii) **prohibiting ICE enforcement action** in or **near a protected area** (the “**2021 Policy**”).

January 21, 2025: President Trump rescinded the 2021 policy and permitted ICE agents to take enforcement action in sensitive protected areas: churches, schools, hospitals (“**2025 Policy**”).

February 24, 2025: Court Decision by a U.S. Federal District Judge in Md. barred application of the 2025 Policy to **Quakers, Cooperative Baptist Fellowship, and Sikhs**. The **2021 Policy** now once again applies to **these religious groups only**.



# Narrow Ruling Requires More Lawsuits to Protect Other FBOs

February 11, 2025: A collection of Christian and Jewish groups sued the Department of Homeland Security in federal district court in Washington D.C. over its policy of conducting **immigration enforcement actions at places of worship**.

- The complaint argued ICE arrests at a house of worship violate 1<sup>st</sup> Amendment religious freedoms.
- Motion for **preliminary injunction denied**, April 11, 2025, in D.C. Third Circuit for **lack of standing – failure to show harm, but only a fear of future harm**. See *Mennonite Church USA et al. vs. U.S. Department of Homeland Security et al.* No. 1:2025cv00403 – Doc. 30 (D.D.C. 2025).



# What Can We do?

Know Your Rights

Teach Your Rights

Advocate for Your Rights

Advocate for Your Neighbor's Rights

U.S. Citizens can volunteer to accompany



# You Have Rights!

Every person in the U.S., regardless of immigration status, has some basic rights.

- You have the right to remain silent and not answer questions.
- You can refuse warrantless searches of your body, your home, and your belongings. (Advise ziplocking court papers – do not speak at courthouses.)
- You cannot be arrested or detained for no reason.
- (But, if stopped by an ICE officer, do not run. Do not drive away from a checkpoint. Do not make false statements. Have a Buddy. Obey the law.)



## Sensitive Location Signage

### **ICE Not Welcome Here.**

We are a sanctuary community that welcomes and serves all persons, regardless of their immigration status.

To this end, we DO NOT consent entry to this property by ICE or any official conducting immigration enforcement actions.



# Judicial Warrants

- A judicial warrant is issued by a court and signed by a judge. It must be issued from the federal court with jurisdiction over your geographic area.
- A judicial warrant does give law enforcement permission to enter “private areas” such as your home, church interior, and conduct searches.
- Read the warrant carefully to make sure that it is valid.



## What Else Can We Do?

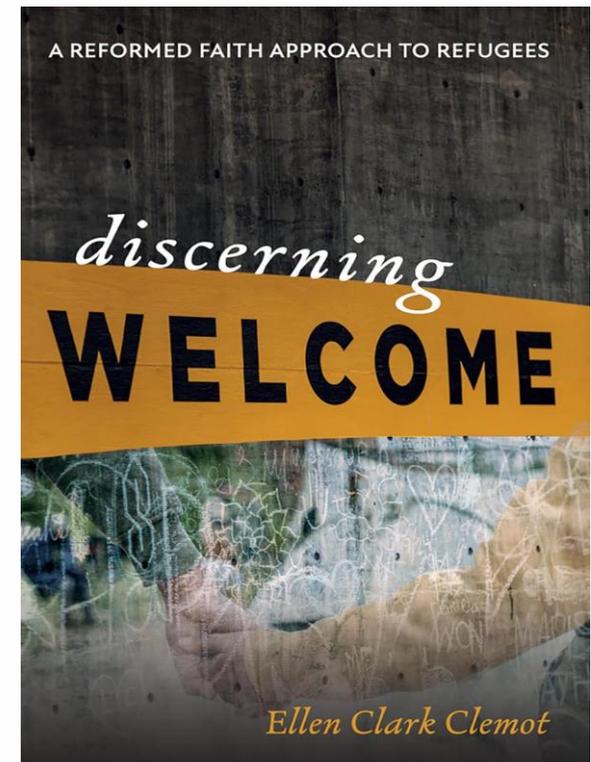
- Write to Congress – seek support for Protecting Sensitive Locations Act.
- Write to your State Representative to support Sanctuary City protection in your town.
- Ask your Session to approve Ice No Entry Signage
- Educate your congregation with Know Your Rights Training



# Study and Discuss *Discerning Welcome*

A book for congregations figuring out what to do.

Decide what's best for your church.





# What About Free Speech? Will I Get in Trouble for What I Preach?

- Preaching the Gospel is your duty and right.
- Sessions, and many congregants, complain about “Politics from the Pulpit”
  - but we have an obligation to lift up the teaching of Christ as moral exemplar when society goes off the rails.
  - Study other preachers – larger, purple churches have learned to use Scripture to accomplish the task effectively without creating a “bully pulpit.”
    - Fifth Avenue Presbyterian [www.fapc.org](http://www.fapc.org)



# What about our tax exemption?

Our Session is worried about losing our church's 501(c)(3) tax exempt status if preachers name politicians in a sermon. Are they right to be?

Things to know:

- What is 501(c)(3)?
- How do I get this tax abatement?
- How might we lose it?
- Are we at risk?



# What about our Vulnerable Neighbors?

If we talk about or publicize our food pantry, know your rights clinic, or ESL outreach, will we be inviting ICE to come along?

- The new era of fear
- Resist the chilling effect on mission work
- Keeping clients/neighbors safe

Betty Huang, Esq., an immigration lawyer, has more to tell you about protecting the vulnerable...

## You have different rights depending on where you and your property are located

	Private	Public
Some Examples	<ul style="list-style-type: none"><li>• Homes</li><li>• Parts of workplaces only accessible to employees</li></ul>	<ul style="list-style-type: none"><li>• Walking on the street</li><li>• Driving or riding in a car</li><li>• Parts of workplaces open to the public</li></ul>
General Rules	ICE needs a <u>warrant</u> from a judge or your <u>consent</u> to enter or search	ICE only needs reasonable suspicion to make an arrest
Notes	<ul style="list-style-type: none"><li>• Allowed to pat down <i>above</i> clothing for officer safety</li><li>• Plain view (because this is actually public)</li></ul>	<ul style="list-style-type: none"><li>• Parts of cars like the trunk or glove box and “closed” property like bags and pockets are actually private and protected by the 4th Amd.</li></ul>

★ These 4th Amendment rights apply to everyone regardless of immigration status.

# Key Points: ICE AT YOUR HOME

## THINK:

- **NO INFO**
- **NO ENTRY**
- **NO SEARCH**

1. Don't open the door. Ask ICE to leave.
2. Identify who you are talking to: ask for ID and a warrant.
3. If officers are inside, ask ICE to leave.
4. Don't give ICE documents or information.
5. Tell them you don't want them to search.

★ These rights apply to everyone regardless of your immigration status.

## Identify who is at your door

**BEFORE** opening the door or answering questions:

- Ask to see their **badge**
- Ask them for **their name** and to slide a card under the door.
- Ask: **ARE YOU NYPD (or local police)?**
- Ask them what **specific precinct** they work at
- Ask them if they have a **warrant** and to slide a warrant under
- Take a photo of it!

# Judicial warrants and ICE warrants

AO 93 (Rev. 11/13) Search and Seizure Warrant

## UNITED STATES DISTRICT COURT

for the

In the Matter of the Search of  
*(Briefly describe the property to be searched  
or identify the person by name and address)*

)  
)  
)  
)  
)

Case No. \_\_\_\_\_

### 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 \_\_\_\_\_ District of \_\_\_\_\_  
*(Identify the person or describe the property to be searched and give its location):*

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 or describe the property to be seized):*

**YOU ARE COMMANDED** to execute this warrant on or before \_\_\_\_\_ *(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 \_\_\_\_\_  
*(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: \_\_\_\_\_  
*Judge's signature*

City and state: \_\_\_\_\_  
*Printed name and title*

## U.S. DEPARTMENT OF HOMELAND SECURITY Warrant for Arrest of Alien

File No. \_\_\_\_\_

Date: \_\_\_\_\_

To: **Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations**

I have determined that there is probable cause to believe that \_\_\_\_\_ is removable from the United States. This determination is based upon:

- the execution of a charging document to initiate removal proceedings against the subject;
- the pendency of ongoing removal proceedings against the subject;
- the failure to establish admissibility subsequent to deferred inspection;
- biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

**YOU ARE COMMANDED** to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

\_\_\_\_\_  
*(Signature of Authorized Immigration Officer)*

\_\_\_\_\_  
*(Printed Name and Title of Authorized Immigration Officer)*

### Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at \_\_\_\_\_  
*(Location)*

on \_\_\_\_\_ on \_\_\_\_\_, and the contents of this  
*(Name of Alien) (Date of Service)*

notice were read to him or her in the \_\_\_\_\_ language.  
*(Language)*

\_\_\_\_\_  
*Name and Signature of Officer*

\_\_\_\_\_  
*Name or Number of Interpreter (if applicable)*

Form I-200 (Rev. 09/16)

## If ICE is at your Door

If you identify ICE at your door and they don't have a warrant that gives them permission to enter, you can ask them to leave without opening the door.

Everyone can repeat these phrases in their best language:

- **I DO NOT WANT TO TALK TO YOU**
- **I DO NOT WANT TO ANSWER ANY QUESTIONS**
- **I DO NOT GIVE YOU PERMISSION TO COME INSIDE**
- **PLEASE LEAVE A CARD WITH YOUR NAME AND NUMBER**
- **I DO NOT WANT TO SPEAK TO YOU; PLEASE LEAVE**

# Key points: ICE IN PUBLIC

**THINK:**

- **NO INFO**
- **NO SEARCH**

1. Ask if you are free to go.
2. Stay silent.
3. Don't give false or foreign documents.
4. Don't give them permission to search.

★ These rights apply to everyone regardless of your immigration status.

## What if ICE asks for my name in public?

Everyone has a right to remain silent whenever ANY officer asks questions (ICE, local police, FBI, etc.).

Some tips on how to handle being asked for your name by an officer:

1. **Identify** who is questioning you (ICE, local police, FBI, etc.).
2. **Assess** whether refusing to give your name will be used by ICE to escalate the situation
3. **Assert** your right to remain silent if that feels the safest in the moment.  
→ **I AM INVOKING MY RIGHT TO REMAIN SILENT. I DO NOT WANT TO ANSWER QUESTIONS.**

**Remember:** DON'T lie to law enforcement or give false documents

# Know Your Rights: Businesses

## Important Points:

- ICE needs a **judicial warrant** or **consent** to enter **private areas** of a business.
  - Train staff not to talk to ICE or give consent.
  - Trying to escape can put people in danger and give ICE pretense to detain them.
- Employers do **not** have to help ICE to identify or sort workers.



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Thank you for caring!

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