

# WHAT TO DO IF IMMIGRATION OFFICIALS COME TO YOUR PLACE OF WORSHIP



**The Trump Administration has rescinded the U.S. Department of Homeland Security’s (DHS) “sensitive locations” or “protected areas” policy. This means that U.S. Immigration and Customs Enforcement (ICE) agents can now enter public spaces within campuses, hospitals, and faith institutions. However, ICE agents still need a warrant to access private spaces.**

**Faith institutions should be aware that, in addition to ICE agents, local and state law enforcement may engage in immigration enforcement. Federal law currently provides safeguards that faith institutions should know to protect their members from potential civil rights violations while on their property.**

## **LAW ENFORCEMENT AND/OR IMMIGRATION AGENTS MAY ONLY ENTER A FAITH INSTITUTION IF THEY HAVE A WARRANT THAT IS SIGNED BY A JUDGE.**

- The Fourth Amendment protects institutions and their members from unreasonable searches and seizures. This means that law enforcement and/or immigration agents would need a warrant signed by a judge to enter areas where there is a reasonable expectation of privacy, such as spaces for worship or prayer, faith-based schools, and administrative offices.
- An administrative ICE warrant that is signed by an ICE official is not sufficient for the law enforcement and/or immigration agents to enter these private spaces.
- Law enforcement and/or immigration agents may ask for permission to enter even if they don’t have a warrant or only have an ICE administrative warrant. You do not have to allow them in. If you allow them in, they then have the right to search or seize the area they are in.

## **FAITH INSTITUTIONS SHOULD CLEARLY INDICATE WHAT AREAS OF THE PROPERTY ARE PRIVATE.**

- In addition to the place of worship, faith institutions may have schools, recreational facilities, funeral homes, and other community centers. If those spaces are open to the public, law enforcement and/or immigration agents can enter them without a warrant.
- Faith institutions may post signs designating areas as private, thereby requiring law enforcement and/or

immigration agents to obtain a warrant for entry. However, to maintain this protection, these spaces must consistently be treated as private for all individuals, not just selectively for authorities. For example, if members of the public are allowed in certain spaces, agents cannot be denied access to those same areas.

## **FAITH LEADERS SHOULD HAVE A PLAN FOR WHEN/IF LAW ENFORCEMENT AND/OR IMMIGRATION AGENTS COME TO A FAITH INSTITUTION, INCLUDING THE FOLLOWING CONSIDERATIONS:**

- Designate one or two people at the institution whose job it is to talk to the law enforcement and/or immigration agents.
- If a law enforcement and/or immigration agent approaches a member that is not the designated person, members know to direct the law enforcement and/or immigration agent to the front office or area outside the church or faith institution to meet the designated person.
- The designated person should identify the law enforcement and/or immigration agents, identify what agency they are with, and ask to see a warrant. Look to confirm that the warrant is issued by a court and signed by a judge. [Here is an example \(asistahelp.org/wp-content/uploads/2019/04/ACLU-Example-of-Warrant-Signed-by-a-Judge.pdf\)](https://asistahelp.org/wp-content/uploads/2019/04/ACLU-Example-of-Warrant-Signed-by-a-Judge.pdf). Also read the warrant to determine where the law enforcement and/or immigration agents are authorized to search and what they can seize to ensure they limit their search.

## **INSTITUTION STAFF AND MEMBERS HAVE THE RIGHT TO REFUSE TO ANSWER ANY QUESTIONS.**

If law enforcement and/or immigration agents detain a member of your institution, promptly notify the member's family.

**There are many steps faith institutions can take to support their members. For more information, [attend an upcoming webinar \(aclutx.org/kyrimmigration\)](https://aclutx.org/kyrimmigration) or request a [KYR presentation \(action.aclu.org/webform/tx-kyrpresentations\)](https://action.aclu.org/webform/tx-kyrpresentations). If you feel your rights have been violated, you can seek legal assistance from a variety of organizations, including the [ACLU of Texas \(aclutx.org/intake\)](https://aclutx.org/intake).**

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