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A **sanctuary** is a place made holy and set apart by its radical inclusiveness and indiscrimination. Under medieval canon law, debtors and fugitives could pursue immunity from arrest by taking refuge in churches and other holy places, before which all stigmas and distinctions of legal status which divide human beings were thought to dissolve.

Sanctuaries aspire to provide respite from our prevailing political order, in which governments do engage in severe and pervasive discrimination between human beings on the basis of their parentage and place of birth. This reality may make it all the more important for religious communities to bear witness to—and live life in accordance with—their faith in a higher reality in which all persons are worthy of love, care, and rights, solely on the basis of their humanity.

Practically, such efforts may range from simply offering services to all people [without inquiring after their immigration status](#) to providing literal [shelter and housing to asylum seekers](#). However, these commitments also raise significant questions under the laws and policies which our governments do enforce. For instance:

- Could gathering a large number of immigrants in a congregational space for religious or social services make the house of worship an opportune target for an [ICE raid](#)?
- To what [social services and welfare benefits](#) can a congregation safely refer an immigrant without the fear that such referral would result in deportation?
- What should a faith leader do when one of their congregants is [facing deportation](#)?

Lives of many immigrants in America are so thoroughly regulated and managed by complex administrative bureaucracies that aspiring to be a sanctuary for them implicates myriad legal questions. Modern American law does not recognize sanctuary immunity as did medieval canon law, and **declaring a space to be a sanctuary does not shield undocumented people or the organization itself from immigration**



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enforcement. In fact, on 2025 January 21st, the Trump Administration [rescinded a policy](#) memorandum which had historically designated religious congregations a disfavored site for ICE raids, arrests, and other immigration enforcement actions.

In this context, a *sanctuary* is best understood, not as a legal status, but as an ethical and theological commitment to action with profound legal implications. This document seeks to provide some practical recommendations for congregations serving immigrants and aspiring to be a sanctuary for them, along with a discussion of the basic legal framework of the rules which may be relevant to such efforts. The question of whether a city or state is a sanctuary *jurisdiction* is better understood as a separate issue. It is discussed here because it can be useful for congregations to understand to what extent [local law enforcement cooperates with federal immigration authorities](#), what state and local [benefits immigrant community members might be eligible for](#), and for what kind of local laws and policies [they should advocate](#).

- ❖ This document is intended to serve as an educational resource, not as a substitute for legal advice. Please consult a licensed attorney in your jurisdiction if you have legal questions.
- ❖ This document was developed for use by faith communities in New York City. State and city sanctuary laws, as well as government benefits available to immigrants, vary widely by jurisdiction. As such, consult local attorneys and resources to learn the laws applicable to your jurisdiction.
- ❖ Be aware that American immigration law and policy are in a state of rapid flux—all the more so under the current administration. This document will not have captured all these changes at the time at which you view it. Please consult practicing attorneys and the most up-to-date guidance in order to stay apprised of the latest laws, policies, and practices affecting your communities. This document was last updated 2025 February 5.
- ❖ If you have further questions or suggestions regarding this document, please reach out to Eugene Nam, the Interfaith Center’s pro bono attorney, at eugene@interfaithcenter.org and Brennan Brink, the Center’s Associate Director for Migrant Outreach, at brennan@interfaithcenter.org. However, please be aware that the Center is not a legal services organization and does not provide legal representation.



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I. Helpful Commitments and Safety Measures

This section outlines some of the most helpful commitments a community can undertake in its efforts to serve as a sanctuary for immigrants:

- Commit to serving all persons, regardless of immigration status or country of origin. Adopt a policy of not asking for or recording anyone's immigration status.¹
- Start a community bulletin board and newsletter for gigs, contracts, connections, and resources that can benefit everyone, regardless of immigration status. Non-employment gigs like domestic services, contract work, language tutoring, babysitting, and temporary construction work can often be the most helpful.²
- [Operate a mailbox](#) through which community members can receive mail. This can be crucial for immigrants who must navigate dozens of government forms and applications in order to gain status, and who often miss crucial notices and face deportation due to the lack of a stable address.³
- Explore opening your facilities as a [shelter for asylum seekers](#).⁴
- Articulate a clear [space and property use policy](#) for preventing immigration enforcement activities within congregational premises to the fullest extent possible. Train staff members who may grant visitors access to your space

¹ Targeting and advertising services specifically to undocumented people may create the legal risk that your community could also be targeted for immigration enforcement actions (like ICE raids) or prosecution for facilitation of immigration violations. For further discussion of [prohibited activities](#), see p. 34.

Publicizing the fact that your site may be a frequent gathering place for a large number of undocumented, potentially deportable individuals may also increase the risk that law enforcement will view your site as an opportune bottleneck for raids or other immigration enforcement actions. For further discussion of [space management](#), see p. 14.

² For further discussion of the [employment of immigrants](#), see p. 38.

³ For further discussion of [how to operate a mailbox](#), see p. 49.

⁴ <https://www.nydis.org/asylum-seeker-shelter-services/>. For further discussion of [space use, security, shelter, and housing](#), see p. 9.



(secretary, security guards, program staffers and volunteers, etc.) on these policies.⁵

- Avoid creating large crowds or long lines of people waiting outside your congregation in a manner that might draw ICE attention. If possible, [designate an indoor waiting area](#).
- Clearly communicate the congregation’s non-consent to any immigration enforcement activities in its property. The best way to do this is often by posting [signage](#).
 - Consider designating certain high concern areas—for instance, rooms with shelter beds or English classes—as closed to the public, and posting a sign on the door which states that the area beyond is for “staff and invited guests only.” ICE and other law enforcement may be able to enter without a warrant areas that are generally open to the public, but not those that are designated as private.
 - Consider posting in public spaces within the property—for instance, worship areas or cafeterias—signs indicating that guests do not have permission to engage in immigration enforcement within the property.
 - Consider posting outside the property signs indicating that the congregation does not consent to entry by ICE or other officials engaged in immigration enforcement.⁶
- Request and host a [Know Your Rights training](#).⁷
- Train staff members about the [right to refuse warrantless searches and to remain silent in the face of law enforcement](#). If ICE does visit the premises, the most [protective steps](#) are generally to:
 - State that you do not consent to entry and refuse further engagement without an attorney present.

⁵ You can request and host a [Know Your Rights training](#) for legal professionals to give this training to your staff and volunteers. See p. 25.

⁶ For further discussion of [how to deploy signage and their legal effects](#), see p. 19.

⁷ <https://www.nyc.gov/site/immigrants/legal-resources/immigrant-rights-workshops.page>



- If the agent claims to have a warrant, ask if it is a judicial warrant signed by a judge (and not a [ICE administrative warrant](#)) and ask to see it.
- If the agent presents what appears to be a valid, judge-signed warrant, ask them to wait outside while you consult with an attorney.⁸
- Maintain a list of pro bono immigration legal services to which you can refer people. [DOJ's NYC list](#)⁹ and [NYC's list](#)¹⁰ can be the starting place.
- If you serve a large number of people who will likely be affected, consider pursuing organizational [accreditation to be able to advocate for immigrants in immigration court](#).¹¹
- Consider recruiting volunteers to serve as [guardians for Special Immigrant Juvenile Status](#). This provides a powerful path to citizenship for immigrants under the age of 21 who have been abused, abandoned or neglected by one or more of their parents.¹²
- Order, print, and distribute [Red Cards](#).¹³
- Help people obtain New York City ID through [IDNYC](#).¹⁴
- Help [advocate](#) for City and State Sanctuary Policies.¹⁵
- Congregational leaders and program staff serving immigrants should be familiar with:

⁸ For further discussion of [how to respond to ICE visits](#), see p. 16.

⁹ <https://www.justice.gov/eoir/file/ProBonoNY/dl>

¹⁰ <https://www.nyc.gov/site/immigrants/legal-resources/immigration-legal-services>

¹¹ <https://www.nyc.org/resources-training/immigrant-concerns-training-institute/doj-recognition-accreditation/>
For some key legal help that can be helpful for immigrants, see p. 41.

¹² https://www.ilrc.org/sites/default/files/2024-05/What%20is%20SIJS_May%202024.pdf

¹³ <https://www.ilrc.org/red-cards-tarjetas-rojas>

¹⁴ <https://www.nyc.gov/site/idnyc/index.page>

¹⁵ For further discussion of congregational [advocacy for more immigrants rights](#), see p. 57.



- **Basic immigrants rights**,¹⁶ including the facts that:
 - Undocumented people have a right to apply for **asylum** in the United States. Immigrants who have applied for or been granted asylum are not unlawfully present in the United States. This means that asylum seekers have important legal rights while this application is pending, including temporary relief from deportation and work authorization. However, people who are not currently under deportation proceedings should be cautious about applying for asylum, since rejection usually results in automatic referral for deportation.¹⁷
 - New York City has a legal obligation to provide **shelter**. This right is indefinite for people who lived in the United States prior to 2022 March 15 and time-limited for many people who arrived after.¹⁸
 - Some form of **healthcare coverage** is available to everyone, though the scope of coverage differs.¹⁹
 - Workers enjoy protection of **labor law**, regardless of immigration status, as do tenants under housing law. State and city agencies will investigate complaints of labor and housing violations without inquiring after workers' immigration status. Many accept anonymous reports.²⁰
 - New York state residents can **apply for driver's licenses**, regardless of immigration status. New York City residents can also **apply for IDNYC**, regardless of their immigration status.²¹

¹⁶ <https://www.aclu.org/know-your-rights/immigrants-rights>

¹⁷ For further discussion of the **asylum process**, see p. 43.

¹⁸ For further discussion of **shelter rights**, see p. 23.

¹⁹ For further discussion of **healthcare access**, see p. 28.

²⁰ For further discussion of **labor and housing rights**, see p. 29.

²¹ For further discussion of **identification**, see p. 31.



- All children have a [right to public education](#). Anyone under the age of 21 who has not completed high school can enroll in New York public schools.²²
- [Basics of immigration court, deportation, and asylum](#).²³
- Law enforcement policy of your [jurisdiction](#) in regards to immigration enforcement.²⁴
- [Potential liability](#) for harboring undocumented people and for facilitating illegal immigration and unlawful presence, as well as the legal framework for [hiring](#) immigrants. ²⁵
- The distinction between [federal](#) benefits that immigrants are not eligible to receive and [city/state/nonprofit](#) services for which they may qualify.²⁶

²² For further discussion of the [right to public education](#), see p. 27.

²³ For further discussion of [immigration proceedings](#) , see p. 41.

²⁴ For further discussion of [sanctuary city/state policies](#), see p. 51.

²⁵ For further discussion of criminal prohibitions on the [harboring of undocumented immigrants and facilitation of unlawful presence](#), see p. 34.

²⁶ For a summary of [New York City/state benefits](#), see p. 25.



II. Space, Security, and Shelter

Topline items:

- The Trump Administration has overturned decades of administrative precedents to [authorize ICE raids and arrests in religious congregations](#). Specifically, it rescinded the “[protected areas](#)” policy, which had historically [designated religious congregations](#) (alongside schools, hospitals and other social service delivery sites) as “[sensitive locations](#)” which were disfavored targets for immigration enforcement actions.
- Congregations should be prepared to [implement deliberate access and security policies](#) regarding their spaces, especially if they are a frequent gathering place for a large number of immigrants in a manner that might make them an opportune bottleneck for ICE raids, surveillance, and other enforcement actions.
- Be aware that law enforcement can enter spaces that are otherwise open to members of the public without a warrant. However, if the space is on private property you can ask them to leave and that they do not have the organization’s consent to engage in immigration enforcement or remain in the property.
- Establish a clear division between areas that are open to the public during certain hours and those that are “closed” to those who are not staff or invited guests.
- Consider designating any rooms with shelter beds, English classes, document storage, or consultation desks as spaces that require express permission to enter.²⁷
- Consider posting three kinds of [signage](#):
 1. **Signs at points of entry into the property** noting non-consent to ICE entry into property.
 2. **Signs in public areas within property** prohibiting immigration enforcement activities within the property and asking immigration enforcement to leave.

²⁷ See also p. 33 for discussion of the prohibition on [harboring](#) or concealing undocumented people. However, you may lawfully exercise a constitutional right to deny law enforcement entry without a warrant under the Fourth Amendment of the U.S. Constitution.



3. Signs in front of closed areas that note “STAFF AND INVITED GUESTS ONLY”


- Familiarize staff members in charge of granting people access to your space (secretary, security guards, program staffers and volunteers, etc.) about the distinction between closed and public spaces. Train them on their right to remain silent, as well as to refuse entry to law enforcement unless they present a valid judicial warrant.²⁸
- The simplest steps to take if ICE seeks entry into the space are:
 1. State that you do not consent to them entering the property, and that you will not say anything without an attorney. Then remain silent, even if they ask questions or try engaging you in conversation.
 2. *If and only if* they state that they have a warrant, ask if the warrant has been signed by a judge. Otherwise, continue to remain silent.
 3. *If and only if* they state that the warrant has been signed by a judge, ask them to show you the warrant, along with an ID and badge, ideally by sliding them under the door or into a mail slot. If this is not possible, ask them to hand or show them to you while holding the door open only slightly ajar.
 4. *If they present a judge-signed warrant* (or if you are confused), ask them to wait outside while you call an attorney. Then call an attorney, and if you do not know one, the New York City hotline at (800)354-0365 or the State hotline at (800)566-7636.
- Train staffers on the [difference](#) between a [judge-signed warrant](#) and an [ICE administrative warrant](#). The latter does not grant ICE the authority to enter or remain in private property without consent, and staffers should insist on seeing a judge-signed warrant before granting entry or permitting them to remain in the property.
- Print the following posters and post them on the inside of all outside-facing doors, as well as next to the buzzers that unlock each door:

²⁸ You can request and host a [Know Your Rights training](#) for legal professionals to give this training to your staff and volunteers. See p. 25.




You **do not** have to open the door for ICE or immigration. Remember **you have the right** to remain silent.

If ICE/Immigration is at your door:



From **behind the closed door**, you can ask them who they are and to show their badge, ID, or business card through the window, peephole, or pass it under the closed door.




If you confirm ICE/Immigration is at your door, ask if they have a **judicial arrest warrant**.

A judicial arrest warrant is a paper signed by a judge that gives permission to ICE/Immigration to arrest someone.

N


If they say **NO, I do not have a warrant**, you do not have to let them in. You may say,



"I do not want to speak with you."

Y

If they say **YES, I have a warrant**, ask them to slide it under the door.



You will need to comply. Confirm the name on the document and make sure it was signed by a judge.

If ICE is looking for someone who is not in your home, **you do not need to speak**. If you choose to speak, you can ask ICE to leave contact information. While you do not need to tell ICE where the person is located, providing false information puts you at risk.

i

In an emergency, such as a threat to public safety or a threat to someone's life, ICE can come in without asking your permission. If this happens, remember **you have the right to remain silent**.

Pages 2-3 of the [NYC Office of Immigrants Affairs' Know Your Rights guide](#)²⁹

EXAMPLE OF A NON-VALID WARRANT SIGNED BY AN ICE OFFICIAL:

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

File No. _____
Date: _____

To: Any immigration officer authorized pursuant to sections 236 and 237 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 recent check of federal databases that affirmatively indicate, by themselves or in conjunction with other reliable information, that the subject either lacks immigration status or nonwithstanding such status is removable under U.S. immigration law; *or*
- statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate that the subject either lacks immigration status or nonwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to appear and take into custody for removal proceedings under the Immigration and Nationality Act, but above-stated alien.

Signature of an immigration officer is not equal to that of a judge.

(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 _____ (Date of Service) and the contents of this notice were read to him or her in the _____ (Language) language.

Name and Signature of Officer _____ Name or Number of Interpreter (if applicable) _____

EXAMPLE OF A VALID ORDER - SIGNED BY A JUDGE:

FILED
U.S. DISTRICT COURT
DISTRICT OF COLORADO

2025 JUN 23 PM 2:14
JEFFREY P. COLWELL
CLERK

BY: BEP DJR

United States of America
vs.
John Doe
Case No. _____

Signature by a Judge indicates an official document.

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay any person or persons to be arrested who is accused of an offense or violation based on the following document filed with the court:

Indictment Pending Information Information Complaint Probation Violation Petition Deportation Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:
Illegal Re-entry After Deportation, in Violation of Title 8 U.S.C. § 1325(a), (b)(1).

Date: June 27, 2017
City and state: District, Colorado
Scott T. Vagstadak, U.S. Magistrate Judge
Printed name and title

Return

This warrant was received on date 6-27-2017 and the person was released on date 6-28-2017 at (city and state) District, Colorado

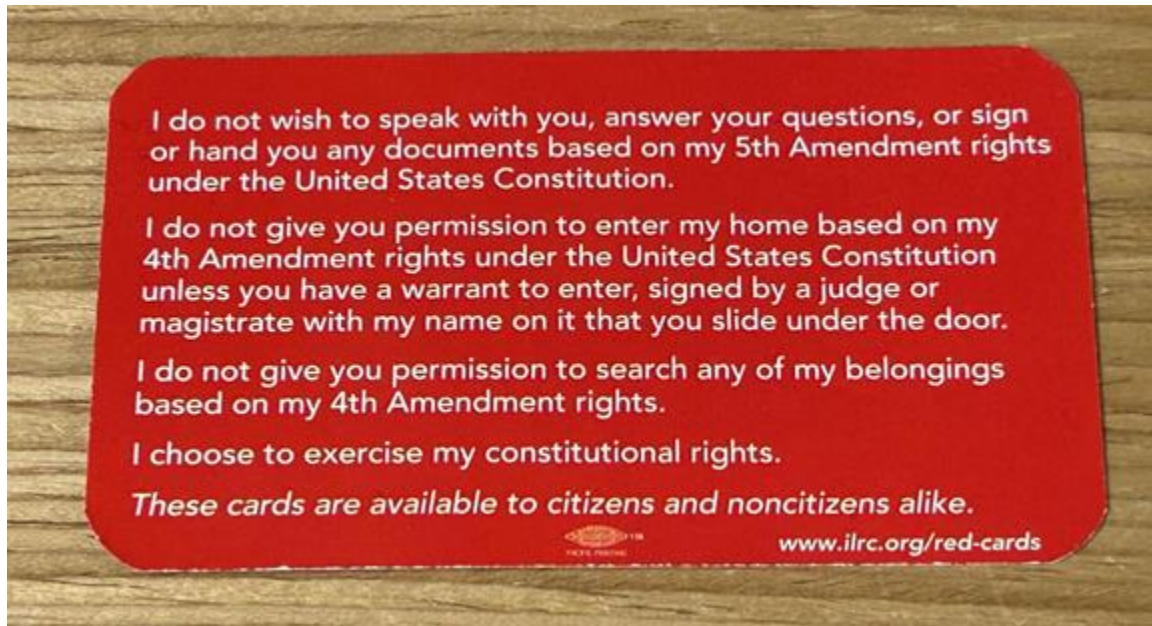
Date: 6-28-2017
Tara Brown, Immigration Officer
Printed name and title

²⁹ https://www.nyc.gov/assets/immigrants/downloads/pdf/KYR-with-ICE_Booklet_2025_Eng.pdf



Comparison of ICE vs judge-signed warrant, from Colorado Immigrant Rights Coalition³⁰

- Print copies of Red Cards that untrained staff and volunteers can present to law enforcement (ideally by sliding one under the door or through a mail slot).



These may be printed or ordered through the Immigrant Legal Resource Center.³¹

- Try to avoid creating large crowds or long lines of people waiting outside your congregation in a manner that might draw ICE attention. If possible, [secure an indoor waiting area](#), stagger service delivery times/appointments, and educate service recipients in a manner that reduces potential enforcement bottlenecks.
- Consider revising your [program descriptions and advertising](#) from servicing people who are “undocumented” or “without legal status,” to serving all people “regardless of immigration status.”³²
- Explore [volunteering your congregational space](#) as a shelter for asylum seekers.

³⁰<https://coloradoimmigrant.org/related/understand-the-difference-between-judicial-warrants-and-ice-warrants/>

³¹ <https://www.ilrc.org/red-cards-tarjetas-rojas>

³² See also p. 34 for discussion of the prohibitions on the [facilitation of immigration violations](#).

A. Sensitive Locations, Protected Areas

Prior to 2025, the federal government had designated religious congregations as “protected areas” or “sensitive locations,” around which immigration enforcement actions (like ICE raids) were discouraged.³³ This once allowed houses of worship to operate with relative safety while providing essential services to immigrants. Many churches relied on this policy during the first Trump administration to provide shelter to migrants and shield them from arrest and deportation.³⁴

However, the second Trump Administration has [officially rescinded this policy](#), asserting that “[c]riminals will no longer be able to hide in America’s schools and churches to avoid arrest. The Trump Administration will not tie the hands of our brave law enforcement, and instead trusts them to use common sense.”³⁵ At the time of the publication of this resource, press had reported at least one arrest outside a church during a service—with ICE causing a parishioner’s immigration GPS ankle bracelet to blare up in alarm, then arresting the parishioner when they stepped outside the church to check the bracelet.³⁶

³³ Many news stories will use the phrases “sensitive locations” or “protected areas” interchangeably. The phrase “sensitive locations” as used in the context of immigration enforcement originated with a [2008 memo from the Bush Administration](#) which directed ICE not to engage in immigration enforcement activities “at or near sensitive community locations such as schools, places of worship, and funerals or other religious ceremonies, except in limited circumstances.” In 2011, the Obama Administration extended these protections in its [Memorandum on the Enforcement Actions at or Focused on Sensitive Locations](#). This memo stayed in place during the first Trump Administration. In 2021, the Department of Homeland Security under Biden released its [Guidelines for Enforcement Actions in or Near Protected Areas](#), which superseded and expanded the 2011 memo. The policy was officially rescinded in 2025 under the second Trump Administration.

³⁴ <https://religionnews.com/2021/04/19/last-north-carolina-immigrant-to-take-church-sanctuary-goes-home/>;
<https://www.nbcnews.com/news/latino/not-criminal-immigrants-who-took-sanctuary-churches-during-trump-admin-n1256761>

³⁵ <https://www.dhs.gov/news/2025/01/21/statement-dhs-spokesperson-directives-expanding-law-enforcement-and-ending-abuse>

³⁶ <https://www.newsweek.com/ice-strikes-church-service-migrant-arrested-immigration-2023392>



Congregations and religious organizations should now prepare for the possibility that ICE may visit their premises to conduct a raid, make arrests, or engage in other immigration enforcement actions.

B. Space Use, Fourth Amendment, Consent to Entry

Widespread awareness that the congregation is a frequent gathering place for a large number of immigrants who worship or receive social services on site might render it an opportune bottleneck for immigration enforcement actions like ICE raids. Now that faith communities enjoy no special protection from immigration enforcement, their main legal protection consists of the Fourth amendment right to refuse entry by law enforcement into their properties and the Fifth Amendment right to remain silent.

The Fourth Amendment to the United States Constitution prohibits law enforcement from entering or searching private property unless (1) a judge has issued a warrant; (2) the owner or its agents consents to entry; or (3) an ongoing emergency necessitates entry.³⁷

The property owner or custodian can always demand to see a warrant from law enforcement or explain that no ongoing emergencies exist. However, the simplest course of action is usually to state that the organization does not consent to law enforcement entry or search of the property, then remain silent *unless* law enforcement affirmatively states that they possess a warrant to enter. Under the Fifth Amendment, communities always have a right to refuse to answer questions and decline engaging with law enforcement.

Communities hoping to minimize the disruptive impact of immigration enforcement on their services can adopt an organizational policy of exercising these constitutional rights to the fullest extent: Building policy can be to refuse entry to immigration enforcement unless a warrant is presented, while employee policy can be to remain silent and decline engagement with immigration enforcement. The government

³⁷ [Kentucky v. King, 563 U.S. 452 \(2011\); The Fourth Amendment of the U.S. Constitution:](#)

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized”

cannot punish someone for exercising their constitutional right to remain silent or to refuse law enforcement entry into private property, or use such behavior as evidence of a legal violation (for instance, facilitation of immigration violations or the harboring and concealment of undocumented immigrants).³⁸

Note that ICE issues its own warrants ([ICE administrative warrants](#)) for the arrest of immigrants it believes are deportable.³⁹ However, ICE warrants **do not authorize officers to enter private property**. Only [judicial \(judge-signed\) warrants](#) permit such entry.⁴⁰ Relevant personnel should be trained to recognize the [difference](#).⁴¹ Even if the staffer believes that law enforcement is presenting them with a judge–signed entry or is simply confused, they can ask law enforcement to wait outside while they consult with an attorney. They can then call an attorney, perhaps one with whom they have established a relationship with through a Know Your Rights training.⁴² If the community has no attorneys on call, it can call the New York City immigration legal services hotline at (800)354-0365 or the State hotline at (800)-566-7636.

Be aware that [ICE also often engages in ruses](#) to deceive people into granting them consent to enter private property—most notably by pretending to be local law enforcement such as the NYPD.⁴³ If unidentifiable law enforcement asks to enter the property, directly ask if they are from ICE or the Department of Homeland Security. Refuse entry unless they explicitly state that they are not. Also ask to see their ID and badge.

Consider [hosting a Know Your Rights training](#) in your community to educate members about the right to remain silent and to refuse warrantless searches. Individuals

³⁸ *C.f. United States v. Prescott*, 581 F.2d 1343 (9th Cir. 1978) (“passive refusal to consent to a warrantless search is privileged conduct which cannot be considered as evidence of criminal wrongdoing. If the government could use such a refusal against the citizen, an unfair and impermissible burden would be placed upon the assertion of a constitutional right and future consents would not be freely and voluntarily given.”)

³⁹ See e.g., https://www.ilrc.org/sites/default/files/resources/i-200_and_i-205_sample_annotated.pdf

⁴⁰ See e.g., <https://www.aclu-co.org/sites/default/files/Example-of-Judge-Warrant-1.pdf>

⁴¹ <https://projectsouth.org/wp-content/uploads/2023/04/Warrant-Fact-Sheet.pdf>

⁴² See p. 25 “[Rights and Entitlements](#)” for legal referrals list and instructions on signing up for a Know Your Rights training.

⁴³ <https://www.immigrantdefenseproject.org/ice-ruses/#10-how-can-i-protect-myself-from-ruses>



who might let or lead others into the property (such as clergy, property manager, program staff, volunteer, secretary, security guards, or tenants), should receive further training on organizational policy. For instance, if the organization sets a policy of limiting immigration enforcement to the fullest extent of law, it should clearly instruct its employees and volunteers to always deny warrantless entry into the property by immigration enforcement, as well as to remain silent and refuse engaging with immigration enforcement in their professional capacity.

Response to ICE visits

The following protocol for ICE visits can serve as a model policy for communities hoping to exercise their constitutional right to decline cooperating with immigration enforcement to the fullest extent permitted by law:

1. State that you do not consent to them entering the property, and that you will not say anything without an attorney. Then remain silent, even if they ask questions or try engaging you in conversation.
 2. *If and only if* they state that they have a warrant, ask if the warrant has been signed by a judge. Otherwise, continue to remain silent.
 3. *If and only if* they state that the warrant has been signed by a judge, ask them to show you the warrant, along with an ID and badge, ideally by sliding them under the door or into a mail slot. If this is not possible, ask them to hand or show them to you while holding the door open only slightly ajar.⁴⁴
 4. *If they present a judge-signed warrant* (or if you're confused), ask them to wait outside while you call an attorney. If you do not have a relationship with an attorney, you can call the New York City hotline at (800)354-0365 or the State hotline at (800)566-7636.
- ICE rarely has a judge-signed warrant which would allow them to enter or remain in private property without consent.
 - If you suspect a visitor may be an ICE agent (for instance, if they generally identify themselves as “police” or “law enforcement” without stating they belong to the NYPD or another local agency, or in the event of an unexpected visitor/delivery), directly

⁴⁴ Cracking the door open slightly would not usually communicate consent to entry. However, ICE may possess a warrant to arrest a deportable person who physically presents themselves to ICE by the door, even if the officer lacks a warrant to enter and search the property.



ask if they are from ICE or Department of Homeland Security. If they won't give you a direct “no,” proceed to step 1.

- Do not physically prevent them from entering. Just continue to verbally note your non-consent to their entry. Ideally, one person can call an attorney while another person records the entry.

- Print and post visual guides on the inside of each outside-facing door, as well as next to each door buzzer. Pages 2-3 of the [NYC Office of Immigrants Affairs' Know Your Rights guide](#)⁴⁵ and a [comparison of ICE vs judge-signed warrant](#), from Colorado Immigrant Rights Coalition⁴⁶ are exemplary resources.

- Volunteers and staff who are unable to follow the instructions above can attempt to respond by sliding under the door [red cards](#) which state they intend to remain silent and withhold consent for entry.⁴⁷

- If ICE has already entered the property (for instance, a common area open to the public), ask them to leave and state that they do not have the organization’s consent to remain in the property or conduct immigration enforcement.

Designating Private Areas within Buildings Open to the Public

Law enforcement may generally enter areas of private property that are otherwise open to members of the public, even without a warrant or express consent.⁴⁸ However, law enforcement still requires a warrant to enter closed, private areas of private property, even if the building in general is open to the public.⁴⁹ For instance, law enforcement can enter the customer-facing area of a store during business hours without a warrant but not a locked back room marked “private.”

⁴⁵ https://www.nyc.gov/assets/immigrants/downloads/pdf/KYR-with-ICE_Booklet_2025_Eng.pdf

⁴⁶ <https://coloradoimmigrant.org/related/understand-the-difference-between-judicial-warrants-and-ice-warrants/>

⁴⁷ Such cards may be printed or ordered at <https://www.ilrc.org/red-cards-tarjetas-rojas>.

⁴⁸ *Washington Square Post No. 1212 Am. Legion v. Maduro*, 907 F.2d 1288 (2d Cir. 1990).

⁴⁹ *Marshall v. Barlow's, Inc.*, 436 U.S. 307 (1978).



However, even if law enforcement has entered an area of private property that is open to the public, the private property owner and their designees have the right to ask law enforcement to leave without a judicial warrant or exigent circumstances.

To clearly denote areas here law enforcement will need to affirmatively show a warrant to enter, congregations, congregations that open some of their spaces to the public during certain hours (for instance, during religious or social services) should consider designating parts of their property closed to the public and accessible only to program staff, volunteers, and invited guests.

Rooms with shelter beds, English classes, mail and document storage, or consultation desks are potential candidates for designation as closed areas. Areas designated private should have a door, a large and clearly visible sign posted on or in the vicinity of the door marking the space as closed, and ideally, a lock. If doors must remain open, consider posting someone at the entry who gives permission for visitors to enter. Ultimately, the test is whether someone wandering through the open areas of the building would assume they could enter the area in question without permission or invitation from the organization.

Congregations may also possess some flexibility in specifically excluding ICE and other officials conducting immigration enforcement from their property while keeping the property open to the general public, asking law enforcement to leave the property even if they have entered a public area, and specifically prohibiting immigration enforcement actions within its property.⁵⁰ It is also possible to designate the entire property as private

⁵⁰ In *Florida v. Jardines*, 569 U.S. 1 (2013), the Supreme Court found that a police drug detection dog entering a garden to sniff out marijuana plants was not a reasonable search within the meaning of the Fourth Amendment. The Court reasoned that the general rule which allows law enforcement to enter and search “open” areas of private property, such as gardens and porches, was an extension of the implied license that ordinary property owners grants to all would-be visitors: Trick-or-treaters, Mormon missionaries, girl scouts, and insurance salespersons all have a customary right to “approach the home by the front path, knock promptly, wait briefly to be received, and then (absent invitation to linger longer) leave.” *Id.* at 8. The Court found that this same implied license is what gives law enforcement the ability to enter and search “open” areas of even private property. However, the Court reasoned, there was no such implied license to allow a drug-sniffing dog to search a garden:

To find a visitor knocking on the door is routine (even if sometimes unwelcome); to spot that same visitor exploring the front path with a metal detector, or marching his bloodhound into the garden before saying hello and asking permission, would inspire



and closed with appropriate signage or posting of someone at the entrance whose permission is required for entry (though this may undercut an organization’s goal of being a welcoming space for all persons). Again, the test is whether an ordinary member of the public would assume they could enter the building absent permission or an invitation.

Signage

A community attempting to communicate its intent to exclude immigration enforcement action within its premises to the fullest extent permitted by law might do the following:

1. **Post outside the congregation at each point of entry signage that clearly communicates the congregation’s non-consent to entry by ICE and other officials engaged in immigration enforcement.** Such a sign might read,

“We Provide Sanctuary For All -

We are a sanctuary congregation that seeks to welcome and serve all persons, regardless of their immigration status. We do not consent to entry to this property by ICE or any official conducting immigration enforcement actions.”

2. **Post on indoor spaces that you decide to leave open to the public** (such as corridors, cafeterias, and sanctuaries during religious services) **signage that**

most of us to—well, call the police. The scope of a license—express or implied—is limited not only to a particular area but also to a specific purpose.

Id. at 9. This reasoning may suggest that the congregation—as the property owner—may be free to revoke or limit the scope of the implied license under which ICE or law enforcement might enter or search the property. A reasonable property owner might, for instance, invite and host guests into their property, subject to the limitation or expectation that such guests are not carrying firearms or refraining from harassing other guests with arrest or interrogation.

However, the precise question of whether an organization can specifically exclude immigration/legal enforcement from its property while leaving it otherwise open has not been fully tested in court. As such, congregations should consider indicating refusal of such consent or license as one possible protective measure, but should not assume that they will be fully legally effective.



clearly indicates that the congregation does not permit any immigration enforcement activities within its property. Such a sign might read:

“No immigration enforcement permitted in property -

This is a space reserved for and dedicated to worship, prayer, meditation, service, and love. No one in this property has license to engage in arrest, interrogation, surveillance, or any other act in furtherance of immigration enforcement. We do not consent to your presence. Please leave unless you have a judicial warrant.”

- 3. Post on the doors of spaces you decide to close to the public** (for instance, rooms with shelter beds, English classes, or consultation desks) signs clearly marking the space as private. For instance:

“Staff and Invited Guests Only” *or*

“Please Sign in [at Front desk/with secretary, security, etc.]”

Signs must be clearly visible to law enforcement in terms of location, size, and font, as their intended legal effect is to clearly communicate to law enforcement (and other visitors) the congregation’s policy as the owner of the property.

The legal effectiveness of **Sign 1** (specific non-consent to ICE entry of property that is generally open to the public) and **Sign 2** (specific non-licensing or non-permission of immigration enforcement activities within the property) has not been fully tested in court.⁵¹ However, they may suffice to dissuade entry or be later used as a basis to retroactively challenge the lawfulness of entry, search, or arrest within congregational property, or serve as one vector of a potential religious liberty in court in the future.

The main risk associated with **Sign 1** is that a public signature might make the community a more attractive target for ICE enforcement actions. However, enough communities will hopefully post these signs that this risk would be sufficiently diluted. Ideally, congregations that are not currently serving a large number of immigrants but nevertheless wish to stand in solidarity with those who do will be the first communities to post these signs.

⁵¹ See footnote 47.

Please contact the Interfaith Center (at brennan@interfaithcenter.org and eugene@interfaithcenter.org) if your community has questions about whether it should post such a sign or how many other congregations may already have posted such signs in the area. The community may also post a more general sign prohibiting all non-members from entering the space, for instance: “private,” “no trespassing,” or “members only.” Such a sign would more definitively prevent non-consensual entry by all law enforcement unless they have a warrant. Communities themselves must weigh how to balance this added layer of protection from law enforcement against the cost of not leaving their space freely accessible to all members of the public.

Sign 2 would not carry with it a corresponding risk of targeting, since it would be posted inside (unless it is also posted in public outdoor spaces within the property such as a garden or an athletic field).

Sign 3 should be legally sufficient to protect designated spaces from warrantless searches.

Finally, congregations posting **Sign 1** and **Sign 2** should be scrupulous about educating their constituents that these signs are designed to communicate congregational property policy towards ICE, but they cannot create legal status or immunity of any kind for immigrants.

Also consider putting up versions of **Sign 1** that would prohibit entry for all persons armed with firearms, including law enforcement: as well as versions of **Sign 2** that withdraws license to bring, possess, carry, or use firearms within the property. For instance, an outward-facing sign might read:

Firearms Prohibited -

No Entry for Any Persons Carrying Firearms Including Law Enforcement and Military

We are a community committed to nonviolence and peace. We do not consent to entry to this property by any person carrying firearms or any other deadly weapon, including active-duty law enforcement and military.

While the Inside sign might read:

No Firearms Permitted in Property - Including Law Enforcement and Military -



This is a space reserved for worship, prayer, learning, meditation, service, and love. No one in or on this property—including active duty law enforcement and military—has license or permission to carry, possess, or use firearms or any other deadly weapons in any way. We do not consent to your presence while you are carrying such a weapon.”

However, communities who regularly rely on local law enforcement, such as the NYPD may not wish to risk alienating them by posting such signage.

C. Program Description and Targeting

Publicly describing or advertising your program services as targeting undocumented people could raise the corresponding risk that ICE targets your space for raids, arrests, surveillance, and other immigration enforcement actions. Consider revising your program descriptions to minimize these risks, as well as to avoid violating prohibitions on the [facilitation of immigration infractions](#).

- Publicizing that your program is geared towards people who are “undocumented” “without legal status,” or “at risk of deportation,” may all make your space a more appealing target for immigration enforcement actions. The word *migrant* does not explicitly communicate a lack of legal status, but often carries with it a connotation of legal vulnerability.
- More neutral terms, such as “immigrants,” “new Americans and neighbors,” may be safer to use.
- “Asylum-seekers” are not unlawfully present in the United States, both if they are granted asylum in the United States and while their applications are pending. As such, the term is less risky in terms of signaling deportability or facilitation of immigration violations.
- Serving all persons “regardless of immigration or legal status” is the safest framing.

Regardless of official program description or policy, it is generally advisable to adopt a policy of not inquiring after a person’s immigration status unless absolutely necessary. This is especially true of programs that directly provide shelter to immigrants



or engage in other conduct which could be construed as [assisting or facilitating an immigrant’s continued unlawful presence in the United States](#).⁵²

Not collecting information about people’s immigration status, as well as structuring your program to make clear that it is advancing a general humanitarian purpose (for instance, providing shelter or food to all persons regardless of immigration status) rather than specific facilitation of immigration violations, can help guard the program from immigration enforcement actions. **Consult an attorney if you have any concerns or questions.**

D. Shelter and Housing

These concerns are particularly salient for programs that are directly offering shelter to immigrants. As discussed [above](#), the sanctuary practice that many churches engaged in during the Trump Administration—specifically sheltering immigrants with deportation orders pending against them within church walls with the expectation that ICE would not seek a warrant to arrest them within the church—is [no longer afforded the same policy protections](#) in the previous years. **If you have questions about such practices, please consult an attorney.**

If your community is operating a shelter or considering opening one in New York, you should also familiarize yourself with the framework of [New York City’s Right to Shelter laws](#). The City has a legal obligation to provide shelter under a series of court decisions and settlements, often collectively referred to as the “[Callahan Cases](#)” or the “[Callahan Settlements](#).”⁵³

However, in 2024, the Adams Administration reached a [revised settlement](#) with the custodians of the Callahan settlement, which now permits the City to evict certain recently-arrived immigrants out of city shelters after a certain term of stay. Under the terms of the new settlement, immigrants who (1) arrived in the United States after 2022 March 15; (2) are over the age of 18; and (3) do not belong to a household with a person

⁵² For further discussion of criminal prohibitions on the [harboring of undocumented immigrants and facilitation of unlawful presence](#), see p. 34.

⁵³<https://www.coalitionforthehomeless.org/our-programs/advocacy/legal-victories/the-callahan-legacy-callahan-v-carey-and-the-legal-right-to-shelter/>; <https://www.coalitionforthehomeless.org/wp-content/uploads/2014/08/CallahanConsentDecree.pdf>.



under the age of 21, can be evicted from shelter after a short term of stay. Residents who are 23 and older may be evicted after 30 days, while those under the age of 23 have 60 days.⁵⁴

If your community is making referrals or advocating for someone in the New York City shelter system, remember that those who arrived before 2022 March 15 are still entitled to shelter indefinitely, and that even those who arrived afterwards may be entitled to an extension by demonstrating extenuating circumstances.

Extenuating circumstances include emergency medical needs, as well as [good faith efforts for resettlement in the United States](#). Proof of such efforts might include: Applying for immigration status, including asylum, English classes, jobs training, or obtaining IDs, such as Driver’s License, IDNYC, Social Security Number, or Taxpayer Identification Number. If you offer any of these services, consider preparing a [template letter](#) to shelter directors confirming that the recipient is making a good faith effort to resettle in the United States.

If your program is debating whether or not to operate a shelter independently or on a contract from the New York City’s Department of Homeless Services (DHS), consider doing so independently, so as to be able to offer services to those who might be excluded from city shelters. New York Disaster Interfaith Services (NYDIS) offers [assessment](#) and screenings for whether a house of worship might be used as a shelter for asylum-seekers.⁵⁵

If you are operating a shelter through NYC DHS, consider advocating for an exemption on the grounds that your faith requires you to serve and provide shelter to all persons, regardless of their country of origin or date of arrival in the United States.

Shelters, like houses of worship, lost their “[protected areas](#)” in 2025. Congregations operating shelters or serving New York City-sheltered immigrants should follow developments on changes to these policies to determine whether such shelters might be the subject of ICE raids or other enforcement actions, as well as how New York City shelters intend to respond to federal immigration enforcement actions.⁵⁶

⁵⁴https://iapps.courts.state.ny.us/nyscef/ViewDocument?docIndex=mMvlTZFjq_PLUS_X/RU7jGZrf4Q==

⁵⁵ <https://www.nydis.org/asylum-seeker-shelter-services/>

⁵⁶ See p. 51 for discussion of [New York City and State’s sanctuary policies](#).



III. Rights and Entitlements

This section outlines some of the key rights that congregations and immigrants possess.

- As a starting place, you should consider hosting a Know Your Rights training at your congregation for everyone: immigrants, clergy and program staff who provide services, and the community at large. You can request free trainings through groups like:
 - **New York Civil Liberties Union:** <https://action.aclu.org/webform/nyclu-workshops>
 - **New York Immigration Coalition:** <https://www.nyic.org/resources-training/resources/>
 - **National Lawyers Guild:** <https://nlgny.org/request-know-your-rights-training/>
 - **Make the Road New York:** <https://maketheroadny.org/we-protect-us/>
 - **New York Mayor’s Office for Immigrant Affairs:** <https://www.nyc.gov/site/immigrants/legal-resources/immigrant-rights-workshops.page>

Hosting trainings is a great way, not only to educate your community on their basic rights, but also to start building relationships with your local community of advocates and immigrants’ rights lawyers. You should also print and maintain lists of local pro bono attorneys, so that you know whom to call or refer people to, should legal needs arise:

- **Justice Department list for New York:** <https://www.justice.gov/eoir/file/ProBonoNY/dl>
- **New York City’s list:** <https://www.nyc.gov/site/immigrants/legal-resources/immigration-legal-services.page>
- You have the right to remain silent and to decline engaging with law enforcement without an attorney present.⁵⁷

⁵⁷ This is a federal constitutional right under the [Fifth Amendment](#) to the U.S. Constitution and made famous by the U.S. Supreme Court’s decision in *Miranda v. Arizona*.



- This right extends to both documented and undocumented people. A more general community practice of declining cooperation with ICE helps alleviate pressure from immigrants who might otherwise be targeted or singled out for refusing engagement. This is partly why Know Your Rights training should be hosted for everyone in the community, regardless of their immigration status.
- You can announce that you would like to consult with an attorney even if you do not currently have one. You can hire an attorney or seek consultation with pro bono legal services and decline engagement with law enforcement while you search. You can reach New York City’s immigration legal hotline at (800)354-0365 and New York State’s hotline at (800)566-7636.
- The exercise of the right to be silent cannot be used to prove a criminal violation, such as the concealment of an undocumented person.⁵⁸
- You have a right to refuse consent to law enforcement searches of your congregation/property, unless they present a valid warrant or an ongoing emergency necessitates entry.⁵⁹
 - However, opening a space to the general public also may operate as implied consent for law enforcement to enter the space as well. For instance, ICE may enter a sanctuary during religious services or a dining hall during soup kitchen hours. You should consider designating certain areas as closed, even during program/service hours during which the building at large is open to the public.⁶⁰
 - When in doubt, you can always verbally note that you do not consent to law enforcement entry. If non-consensual search was unwarranted/unlawful,

⁵⁸ [Griffin v. California, 380 U.S. 609, 85 S. Ct. 1229, 14 L. Ed. 2d 106 \(1965\)](#) (insinuation that silence suggests guilt amounts to a “penalty imposed by courts for exercising a constitutional privilege. It cuts down on the privilege by making its assertion costly.”)

⁵⁹ This is another constitutional right, enshrined in the [Fourth Amendment](#) to the U.S. Constitution.

⁶⁰ See p. 14 for further discussions of [space management](#).



retroactive remedies can be sought in court. Even if entry was warranted, it still never hurts to note your non-consent.

- Exercising these rights when law enforcement visits can be intimidating and difficult, even for people who understand them intellectually. This makes it all the more important to host and attend Know Your Rights Training sessions that include practice workshops and roleplay. [Signage, posters, and cards](#) can also provide helpful guidance to staff and volunteers as they are navigating the situation in real life.⁶¹
- You have the right to film/record law enforcement activity.
- You have a right to speak, [advocate](#), and preach in favor of more just and humane policies towards immigrants, including undocumented people.⁶²
 - However, 501(c)(3) charities may risk losing their nonprofit tax status if they direct a “substantial part” of their activities to lobbying for specific legislation. A charity or a congregation can safely dedicate 3~5% of its time, resources, and expenditures to lobbying. You should consult with an attorney if you spend a non-negligible amount of time or effort lobbying for legislation.
 - 501(c)(3) charities cannot endorse or support the election campaigns of specific political candidates.
- **Education:** All children have a constitutional right to public education, regardless of immigration status.
 - In New York State, this means that any person between the ages of 4 and 21 without a high school diploma can enroll in their local public schools.⁶³
 - New York City residents can enroll through [NYC Family Welcome Centers](#).⁶⁴

⁶¹ See the section on [space, security, and shelter](#) at p. 9 for the use of these tools.

⁶² See p. 57 for further discussions of [advocacy opportunities](#).

⁶³ <https://www.nysed.gov/student-support-services/enrollment-procedures-immigrant-students>.

⁶⁴ <https://www.schools.nyc.gov/enrollment/enrollment-help/family-welcome-centers>.



- Children also have a right to enroll in the [Child Health Insurance Program](#), regardless of immigration status.⁶⁵
- **Healthcare:** Even completely undocumented immigrants (including those who have not yet applied for asylum in the United States) have a right to some level of healthcare.
 - Persons experiencing acute symptoms of sufficient severity to require immediate medical attention are covered by [New York State emergency medicaid](#).⁶⁶
 - Undocumented residents of New York City have a broader range of coverage through [NYC Care](#).⁶⁷
- Many immigrants are eligible for a broader range of care through [New York State Medicaid](#).⁶⁸ This includes:
 - Immigrants over the age of 65
 - Pregnant immigrants
 - Immigrants who have applied for certain status, including asylum or temporary protected status.
- **Shelter:** New York City is [legally required](#) to provide shelter to unhoused persons, including immigrants.⁶⁹
 - People who need shelter can find it by visiting a [city intake center](#). For most residents, the length of stay may be indefinite.⁷⁰
 - However, subject to a legal settlement, the Adams administration has placed a limitation on the length of available shelter for certain immigrants.
 - Immigrants who fall under all three categories listed below are affected:

⁶⁵ https://www.health.ny.gov/health_care/child_health_plus/how_do_i_apply.htm.

⁶⁶ https://www.health.ny.gov/health_care/medicaid/emergency_medical_condition_faq.htm.

⁶⁷ <https://www.nyccare.nyc/enroll/>

⁶⁸ https://www.health.ny.gov/health_care/medicaid/how_do_i_apply.htm

⁶⁹ https://en.wikipedia.org/wiki/Callahan_v._Carey

⁷⁰ <https://www.nyc.gov/site/dhs/shelter/singleadults/single-adults-applying.page>



- Arrived in the United States after 2022 March 15; and
- Are over the age of 18; and
- Do not belong to a household with a person under the age of 21.
- Affected immigrants can:
 - Receive shelter for up to 30 days, if they are 23 years old or older
 - Receive shelter up to 60 days if they are under 23 years old.
- Affected immigrants can seek an extension by demonstrating an extenuating circumstance. These include:
 - Emergency medical needs
 - Good faith efforts for resettlement in the U.S. Proof of such efforts might include:
 - Applying for immigration status, including asylum
 - English classes
 - Jobs training
 - Obtaining IDs, such as Driver’s License, IDNYC, Social Security Number, or Taxpayer Identification Number.
 - Fully private shelters (those not overseen by New York City) can and should provide shelter to all persons, regardless of their immigration status or date of arrival in the U.S.
- **Workers’ Rights:** New York labor law protects employees from wage theft, unsafe working conditions, and other unlawful employment practices, regardless of the worker’s immigration status. Agencies that enforce these laws do not currently inquire after a worker’s immigration status, nor should workers volunteer such information.⁷¹
 - Workers of any immigration status can report wage theft, labor exploitation, or unsafe working conditions through the Complaint Processes

⁷¹ See p. 51 for a discussion of [state and city sanctuary laws](#).

for the New York State [Department of Labor](#) and New York City [Department of Consumer and Worker Protection](#).⁷²

- New York City minimum wage is \$16.50 an hour as of 2025.
- Workers can report discrimination (including on the basis of immigration status, country of origin, race, and religion) to the New York State [Division of Human Rights](#) or New York City [Commission on Human Rights](#).⁷³ Many labor issues faced by immigrant workers amount to discriminatory exploitation of the workers' immigration status or threat or retaliation by disclosing the worker's immigration status—both of which may be investigated as human rights violations.
- Reporting or threatening to report a worker's immigration status for making a labor complaint constitutes unlawful retaliation.⁷⁴ This may be a small comfort to an outed immigrant, but it does provide some protection in advocating for immigrant workers' labor rights, as does the employer's potential exposure to liability for hiring workers without authorization.⁷⁵
- New York housing law also protects tenants, regardless of their immigration status.
 - Tenants of any immigration status can report unlawful evictions, inadequate or unsafe living conditions, tenant harassment, or exploitation through the New York State [Attorney General's Office](#) or New York City's [Department of Housing Preservation and Development](#) and 311 program.⁷⁶

⁷² <https://dol.ny.gov/labor-standards-complaint-process>;

<https://www.nyc.gov/site/dca/workers/workersrights/file-workplace-complaint.page>.

⁷³ <https://dhr.ny.gov/complaint>; <https://www.nyc.gov/site/cchr/about/report-discrimination.page>.

⁷⁴ *Sure-Tan, Inc. v. N.L.R.B.*, 467 U.S. 883 (1984)

⁷⁵ See p. 38, for discussion on the employment of immigrants.

⁷⁶ <https://ag.ny.gov/file-complaint/housing-real-estate/rental-issues>;
<https://www.nyc.gov/site/hpd/services-and-information/report-a-housing-complaint.page>;
<https://portal.311.nyc.gov/article/?kanumber=KA-01074>.



- Tenants can report discrimination (including on the basis of immigration status, country of origin, race, and religion) to the New York State [Division of Human Rights](#) or New York City [Commission on Human Rights](#).⁷⁷ Many housing issues faced by immigrant tenants amount to discriminatory exploitation of the tenants' immigration status or threat or retaliation by disclosing the tenant's immigration status—both of which may be investigated as human rights violations.
- Be aware that there is less symmetry between undocumented immigrants and their landlords than there is with undocumented workers and their employers: There are no legal restrictions on providing housing to undocumented people equivalent to the laws limiting the employment of undocumented workers, which means there is less of a deterrent for landlords to report an undocumented tenant to ICE.
- **Identification and License:** Residents of New York State can [apply for a driver's license](#) regardless of immigration status.⁷⁸
- Residents of New York City can [apply for IDNYC](#), regardless of immigration status.⁷⁹
- Securing IDs like drivers' licenses or New York City IDs can be very helpful on a variety of fronts, whether it is applying for benefits or searching for housing or employment.
- New York City Police and New York State law enforcement are [required to render public safety services](#) to residents, regardless of their immigration status. There are also [limitations](#) on their ability to inquire after people's immigration status or disclose such information to federal immigration authorities.⁸⁰ Even if they do ask,

⁷⁷ <https://dhr.ny.gov/complaint>;
<https://www.nyc.gov/site/cchr/about/report-discrimination.page>.

⁷⁸ <https://dmv.ny.gov/driver-license/driver-licenses-and-the-green-light-law>

⁷⁹ <https://www.nyc.gov/site/idnyc/index.page>

⁸⁰ See p. 50 for further discussion of [New York City and State's policy on immigration law enforcement](#).

a person always has the [right not to disclose](#) their own immigration status.⁸¹ A crime victim's assistance of law enforcement in the investigation of a serious crime might also entitle them to a [U-Visa](#), which provides a path to citizenship.⁸²

- [New York City and State law](#) also limits welfare agencies' ability to inquire after service recipients' immigration status, unless such status bears on the applicant's eligibility for the services they are providing. City and state law also [generally prohibits the disclosure](#) of people's immigration status.⁸³
 - However, the federal government or courts [may issue subpoenas](#) to city and state governments which may compel disclosure notwithstanding these local laws.
 - On balance, the risks of seeking status-contingent government services in "sanctuary jurisdictions" like New York City and State are relatively low, but nonzero.
 - Ultimately, immigrants must make a decision about what level of risk they are willing to take for services. The safest services are always those that do not inquire about the applicant's immigration status.
 - If a city or state government official does inquire after someone's immigration status, they always have a [right](#) not to answer, though this may result in the city or state government being unable to make an eligibility determination for certain status-contingent benefits, such as [New York State Medicaid](#) or [indefinite shelter](#).
- Additionally, some immigrants who claim taxpayer-funded welfare benefits may later be deemed to be a "[public charge](#)" on governmental resources and face restrictions in their ability to seek a green card or certain visas.⁸⁴ The rule is notably inapplicable to most humanitarian petitioners like [asylum seekers](#) and

⁸¹ See p. 25 for further discussion of this [right](#).

⁸² See p. 46 for availability of [humanitarian immigration benefits](#) for victims of crime.

⁸³ See p. 51 for further discussion of [New York City and State law on the provision of social services to immigrants](#).

⁸⁴ <https://keepyourbenefits.org/en/na/resources>



refugees. However, immigrants seeking status on the basis of family connections may face restrictions. Consult with an attorney to determine what kinds of benefits and immigrants are subject to the public charge rule. [Local resources](#) can also provide a helpful starting place for the research.⁸⁵

- Most, though not all, nonprofits (such as soup kitchens, public interest job training programs, and community clinics) will serve people regardless of immigration status. Organizations that do not inquire after service recipients' immigration status are the safest.

⁸⁵ <https://empirejustice.org/wp-content/uploads/2020/05/Public-Benefits-Chart-June-2021-FINAL.pdf>



IV. Harboring and Facilitation of Immigration Violations

It is illegal to ...

- Conceal, harbor, or shield from detection someone you **know or suspect** is undocumented.⁸⁶

Ex) Providing fake IDs to undocumented people.

- Transport someone within the United States whom you **know or suspect** is undocumented to assist further violation of immigration laws.⁸⁷

Ex) Driving an immigrant with a deportation order pending against them to a different state to help them evade immigration authorities.

- Bring someone you **know** to be a noncitizen into the United States through a location other than a port of entry.⁸⁸

Ex) Escorting a migrant across the U.S./Mexico border at somewhere other than an inspection site at a port of entry

⁸⁶ 8 U.S.C. § 1324(a)(1)(A)(iii) penalizes any person who, “knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, conceals, harbors, or shields from detection, or attempts to conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation.”

However, refusing entry of closed private property to law enforcement who does not have a warrant is a Fourth Amendment right and cannot serve as a basis for liability. *C.f. United States v. Prescott*, 581 F.2d 1343 (9th Cir. 1978) (“passive refusal to consent to a warrantless search is privileged conduct which cannot be considered as evidence of criminal wrongdoing. If the government could use such a refusal against the citizen, an unfair and impermissible burden would be placed upon the assertion of a constitutional right and future consents would not be freely and voluntarily given.”)

⁸⁷ 8 U.S.C. § 1324(a)(1)(A)(ii) penalizes any person who, “knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, transports, or moves or attempts to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law.”

⁸⁸ 8 U.S.C. § 1324(a)(1)(A)(i) penalizes any person who, “knowing that a person is an alien, brings to or attempts to bring to the United States in any manner whatsoever such person at a place other than a designated port of entry or place other than as designated by the Commissioner, regardless of whether such alien has received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such alien.”

- Solicit or facilitate illegal immigration.⁸⁹

Ex) Providing detailed instructions on how to illegally cross the border or run away from immigration authorities.

- Note the varying level of **knowledge** required for each violation. Some require that an alleged violator to actually know that the immigrant with whom they're interacting is undocumented, while suspicion ("reckless disregard" for the possibility that someone is undocumented) suffices for others. This is one of the reasons that adopting a general policy of not inquiring after someone's immigration status is considered best practice.
- Exercising the constitutional right to remain silent or to refuse warrantless entry by law enforcement does not constitute harboring or concealment. This is because the U.S. constitution is a higher law that takes precedence over statutory prohibitions on facilitation of immigration violations.⁹⁰
- Because the prohibitions above are targeted towards facilitation of immigration *violations*, helping immigrants access the legal process or exercise their legal rights is generally safe. This might include transporting immigrants to and from immigration court or ICE check-ins, helping them fill out paperwork, and access benefits.
- If you are worried that one of your activities might amount to a violation of these laws (or are simply unsure), **consult an attorney**.
- Immigrants who have applied for certain legal statuses, such as asylum or Temporary Protected Status, are not unlawfully present in the United States, while

⁸⁹ 8 U.S.C. § 1324(a)(1)(A)(iv) penalizes any person who, "knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, conceals, harbors, or shields from detection, or attempts to conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation."

⁹⁰ *C.f. Griffin v. California*, 380 U.S. 609, 85 S. Ct. 1229, 14 L. Ed. 2d 106 (1965) (permitting the government to use silence as evidence of guilt would amount to a "penalty imposed by courts for exercising a constitutional privilege. It cuts down on the privilege by making its assertion costly.") *United States v. Prescott*, 581 F.2d 1343 (9th Cir. 1978) ("passive refusal to consent to a warrantless search is privileged conduct which cannot be considered as evidence of criminal wrongdoing. If the government could use such a refusal against the citizen, an unfair and impermissible burden would be placed upon the assertion of a constitutional right and future consents would not be freely and voluntarily given.")

their applications are pending. As such, they are not undocumented within the meaning of these provisions.

- It is **not illegal harboring** for a religious organization to host an person of any immigration status who is already in the United States as a minister or a missionary who is not compensated as an employee, but treated as a volunteer provided with room, board, travel expenses, medical assistance, and other basic living expenses, provided that such person has been a member of the denomination for at least one year.⁹¹ Consult an attorney if you are interested in hosting an immigrant in this capacity.
- Religious communities have not been charged for the facilitation of immigration violations since the 1980s, when the Reagan Administration [prosecuted members of the sanctuary movement](#).⁹² However, the second Trump Administration has so far been willing to overturn decades of administrative precedents. These have included [allowing ICE to conduct immigration arrests in churches](#), also for the first time since the Reagan Administration. The Trump Administration has also threatened officials of [sanctuary cities and states](#) with potential prosecution under the criminal provisions outlined above.⁹³
- Trump ally and Texas Attorney General Ken Paxton has brought a [case against the Annunciation House](#), a Catholic migrant shelter in El Paso, Texas.⁹⁴ Paxton is seeking to shut down the shelter, arguing that the shelter is violating Texas state law against harboring undocumented persons, which largely mirrors the federal prohibition. The Annunciation House has raised various arguments in defense,

⁹¹ “It is not a violation of clauses [1] (ii) or (iii) of subparagraph (A), or of clause (iv) of subparagraph (A) except where a person encourages or induces an alien to come to or enter the United States, for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officers of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least one year.” [8 U.S.C. § 1324 \(a\)\(1\)\(C\)](#)

⁹² <https://sanctuary.wordpress.amherst.edu/sanctuary-columns/kholding/>

⁹³ <https://www.justsecurity.org/106723/sanctuary-policies-federalism-1324/>

⁹⁴ texastribune.org/2025/01/13/texas-annunciation-house-migrant-shelter-paxton-lawsuit-supreme-court/.

including that the prosecution amounts to a restriction on its religious liberty to serve migrants and refugees.

- It is possible that the Trump Administration may also threaten to target communities serving immigrants in a similar fashion at a later date, whether through outright prosecution or through attempts to withhold federal funding or tax-exempt status from organizations serving immigrants. Accordingly, affected communities should carefully follow the developments on this front, familiarize themselves with the violations listed above, and seek the guidance of attorneys.

V. Employment of Immigrants

- Federal law makes it unlawful to employ a person whom the employer **knows** lacks work authorization.⁹⁵ Furthermore, employers must **complete an I-9** for the verification of each new employee’s work authorization.⁹⁶ However, these are civil and regulatory requirements rather than criminal prohibitions. Fines range from from \$250 to \$2,000 per undocumented employee at the first enforcement action which finds a violation and increase with each subsequent action.⁹⁷
- Criminal penalties only arise in the following circumstances:
 - A person/company which engages in a “pattern or practice” of employing immigrants whom the employer **knows** to lack work authorization can be imprisoned for up to 6 months and/or fined for up to \$3,000 for each worker.⁹⁸
 - A person who hires more than 10 employees with actual **knowledge** that such employees are immigrants without work authorization can be imprisoned for up to five years or fined.⁹⁹
 - Individual instances may not arise to “pattern or practice” resulting in fines or reach a number sufficient to result in criminal penalties. However, they might lead to a workplace raid.¹⁰⁰
 - Failure to complete an I-9 does not itself constitute a criminal violation. However, complying with the paperwork requirements in good faith provides a

⁹⁵ “It is unlawful for a person or other entity to hire, or to recruit or refer for a fee, for employment in the United States an alien knowing the alien is an unauthorized alien.” 8 U.S.C. § 1324a(a)(1).

⁹⁶ <https://www.uscis.gov/i-9-central/completing-form-i-9>.

⁹⁷ 8 U.S.C. § 1324a(e)(4).

⁹⁸ “Any person or entity which engages in a pattern or practice of violations of subsection (a)(1)(A) or (a)(2) shall be fined not more than \$3,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than six months for the entire pattern or practice, or both, notwithstanding the provisions of any other Federal law relating to fine levels.” 8 U.S.C. § 1324a(f)(1).

⁹⁹ “Any person who, during any 12-month period, knowingly hires for employment at least 10 individuals with actual knowledge that the individuals are aliens described in subparagraph (B) shall be fined under Title 18 or imprisoned for not more than 5 years, or both.” 8 U.S.C. § 1324(a)(3)(A).

¹⁰⁰ 8 U.S.C. § 1324a(e).



defense in the event that the employer is prosecuted for engaging in a pattern or practice of hiring immigrants without work authorization.¹⁰¹

- These rules only apply to “employees,” and **exclude the following**:
 - Providers of casual and intermittent domestic services in private residences;
 - Independent contractors;
 - Workers sent by temporary staffing agencies.¹⁰²

Filling out an I-9 is not required for these workers.

- Immigrants who have applied for certain legal statuses, such as asylum or Temporary Protected Status usually **receive work authorization** while their applications are pending. As such, they are not undocumented workers within the meaning of these provisions.
- Technically, no law explicitly prohibits undocumented immigrants from working without authorization. Instead, the law regulates employers, who are expected to solicit the worker’s signature to complete the I-9, which asks the prospective employee to sign a statement under the penalty of perjury that they possess work authorization.
- I-9s must be kept on file for 3 years after hiring an employee or 1 year after their last day, whichever is later. An employer **does not** need to keep copies of the employee’s ID or work authorization documents.
- The same **space use best practices** apply to employment sites as with faith communities, including the designation of private areas. See p. 9. An employer-specific Know-Your-Rights guide can be found here: www.nilc.org/wp-content/uploads/2024/11/NELP_EmployerGuide_Eng_2025_Final-.pdf
- If a congregational staffer such as a secretary or a security guard asks questions about their own employment or safety in relation to their immigration status, do not further inquire after their immigration status. Simply direct them to an attorney

¹⁰¹ “A person or entity that establishes that it has complied in good faith with the requirements of subsection (b) with respect to the hiring, recruiting, or referral for employment of an alien in the United States has established an affirmative defense that the person or entity has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.” 8 U.S.C. § 1324a(a)(3).

¹⁰² <https://www.uscis.gov/i-9-central/complete-correct-form-i-9/exceptions>



and in the meantime simply reiterate the congregation's commitment to serving and providing a space for all persons, regardless of their immigration status.

- The congregation may also be able to sponsor a member of the denomination for an [R-1](#) or [EB-4](#) work visa, if the congregation intends to employ the member for a religious or ministerial function, such as leading bible studies. The congregation should hire an attorney to manage this process if it is interested in pursuing this option.
- As discussed [above](#), the congregation may provide room, board, travel expenses, medical assistance, and other basic living expenses to someone who is serving as a minister or a missionary, provided that such person has been a member of the denomination for at least one year and is not compensated as an employee.¹⁰³ The congregation should consult an attorney if the congregation is interested in hosting an immigrant in this capacity.

¹⁰³ “It is not a violation of clauses [1] (ii) or (iii) of subparagraph (A), or of clause (iv) of subparagraph (A) except where a person encourages or induces an alien to come to or enter the United States, for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officers of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least one year.” [§ U.S.C. § 1324 \(a\)\(1\)\(C\)](#)



VI. Immigration Court, Deportation, and Humanitarian Relief

Communities serving immigrants should familiarize themselves with the basics of immigration courts, deportation proceedings, asylum applications, and other forms of humanitarian immigration. Ideally, all immigrants would have the advice and representation of counsel, and faith communities should do their best to help immigrants retain attorneys.¹⁰⁴ However, many undocumented people and asylum seekers cannot afford attorneys, so it is helpful for faith leaders and program staffers serving immigrants to develop an at least basic understanding of the immigration legal system.

If your congregation finds itself serving a large number of immigrants with legal needs, consider applying for [accreditation](#) from the Department of Justice to be able to directly advocate for them in immigration court.¹⁰⁵ Several groups sponsor trainings necessary to receive such accreditation, including:

- **New York Immigration Coalition:** <https://www.nyic.org/resources-training/immigrant-concerns-training-institute/doj-recognition-accreditation/>
- **Catholic Legal Immigration Network Inc. (CLINIC):** <https://www.cliniclegal.org/issues/recognition-and-accreditation>

A. Undocumentation and Deportation

- The most acute and actionable needs arise for immigrants who are currently facing deportation proceedings. The government generally moves to deport undocumented people and noncitizens who are charged with crimes.
- However, not all undocumented people are under deportation proceedings, nor are all persons under deportation proceedings undocumented. There are roughly 11 million undocumented people living in the United States. Around 3 million people are currently under deportation proceedings, and many of them are documented people who are deemed “[removable](#)” for various other reasons.¹⁰⁶

¹⁰⁴ You can find the Department of Justice’s official referral list for New York state here: <https://www.justice.gov/eoir/file/ProBonoNY/dl>. New York City’s list can be found here: <https://www.nyc.gov/site/immigrants/legal-resources/immigration-legal-services.page>.

¹⁰⁵ <https://www.justice.gov/eoir/recognition-and-accreditation-program>

¹⁰⁶ <https://www.nycbar.org/get-legal-help/article/immigration-law/removal-proceedings/>



- People who are under deportation proceedings can search their cases by typing in their A-number (“Alien Registration Number”) into the [EOIR Automated Case Information website](#).¹⁰⁷ The page should then display the time and location of their next immigration court hearing. The person under proceedings should also have received from the government a “[Notice to Appear](#).”¹⁰⁸ However, these paper notices are often not up to date, so it is generally best to rely on the EOIR website.
- One of the simplest and most helpful steps that someone under deportation proceedings can take is to [change the venue](#) of their immigration case to the city of their residence.¹⁰⁹
 - Change of venue is particularly useful for people who were automatically assigned to an immigration court at the border (such as El Paso). Many people who proceed to settle far away from their point of entry miss their immigration hearing and have an arrest warrant or deportation order issued against them—either because their mailing address isn't updated and they do not receive a notice or because they can't afford a flight back to Texas from where they've settled down.
 - Change of venue may also be an opportunity to potentially move cases to a more favorable forum. For instance, the New York immigration court grants over 50% of asylum applications, while the El Paso immigration courts grant around 10%. Data about asylum and deportation rates across different immigration courts are [available online](#).¹¹⁰ Immigrants should also check the asylum grant rate of the individual judges they have been assigned.
 - Applicants can currently [apply online](#) to register a move and request a change in their immigration court:
<https://respondentaccess.eoir.justice.gov/en/forms/eoir33ic/>.

¹⁰⁷ <https://acis.eoir.justice.gov/en/>

¹⁰⁸ <https://help.asylumadvocacy.org/nta/>.

¹⁰⁹ <https://respondentaccess.eoir.justice.gov/en/forms/eoir33ic/>.

¹¹⁰ https://public.tableau.com/app/profile/jeffrey.obrien/viz/EOIR_Asylum/AsylumDashNew;
<https://borderoversight.org/2023/09/04/asylum-acceptance-rates-in-u-s-immigration-courts-fy2014-2019/>



- After this is done, applicants should **register and serve this change of venue to ICE**: <https://eserviceregistration.ice.gov/>.

B. Asylum and Withholding of Removal

- For most people under deportation proceedings, the main path for receiving relief from deportation and finding a path to citizenship is **applying for asylum**.¹¹¹ Asylum applicants must demonstrate (1) well-founded fear of persecution in their home country (2) on the basis of a protected ground like race, religion, or political opinion, (3) by the government or an actor the government is unwilling or unable to control.
 - Asylum claims are usually **difficult to win**, as they require relatively detailed, long-form writing in English and implicate complex legal standards. Most successful claims are made with the help of attorneys.¹¹²
 - Demonstrating governmental persecution is a challenge for many asylum-seekers, who might instead describe the persecution they suffered in terms of economic difficulty or private violence.¹¹³
 - The first Trump Administration made it **especially difficult** for asylum seekers to prove claims based on gang and domestic violence, even when applicants submitted evidence that the government was unwilling or unable to protect them from such violence.¹¹⁴ It is likely to do so again.
 - **An unsuccessful asylum application results in the automatic referral of the applicant for deportation.** This means that people who are not currently in deportation proceedings should be very **cautious about making the decision to apply**.¹¹⁵ However, people already under deportation proceedings should

¹¹¹ <https://immigrantjustice.org/issues/asylum-seekers-and-refugees>.

¹¹² <https://crsreports.congress.gov/product/pdf/IN/IN12318>.

¹¹³ <https://theweek.com/articles/837512/complicated-history-asylum-america--explained>

¹¹⁴ <https://harvardlawreview.org/print/vol-135/matter-of-a-b/>;
<https://www.justice.gov/eoir/page/file/1070866/dl?inline=>.

¹¹⁵ <https://immigrationequality.org/asylum/asylum-manual/affirmative-application-process/>

generally [apply for asylum](#), since this risk is no longer a factor.¹¹⁶ This should ideally be done with the help of an attorney, but often, the priority is to apply for asylum within the [one-year deadline](#) of the applicant’s arrival in the United States.¹¹⁷

- Successful asylum applications provide a path to legal permanent residence (“LPR” or “green card”). People who have submitted an asylum application are not unlawfully present in the United States while the application is under review. As such, applicants have relief from deportation until their asylum claim is resolved and become eligible for work authorization for free 150 days after they submit their application.
 - People who have applied for asylum in immigration court can check how many days they have left until they can apply for work authorization by calling a [designated phone number](#), currently (800) 898-7180.¹¹⁸
 - The clock may be stopped if the immigration court believes that the applicant has caused a delay in their own proceedings, most commonly by missing a hearing or requesting more time from the court to look for an attorney (as is customary for immigration judges to ask during check-ins).
 - The application, along with filing instructions can be found [here](#): <https://www.uscis.gov/i-765>.
 - A grant of work authorization also makes the recipient eligible to receive a social security card, as well as [New York State temporary cash assistance](#) for unemployment-based or supplemental income.¹¹⁹
- Immigrants who are not in deportation proceedings can apply for asylum through USCIS.

¹¹⁶ <https://www.rifnyc.org/defensive-asylum>

¹¹⁷ immigrationequality.org/asylum/asylum-manual/immigration-basics-the-one-year-filing-deadline/

¹¹⁸ <https://www.uscis.gov/sites/default/files/document/notices/Applicant-Caused-Delays-in-Adjudications-of-Asylum-Applications-and-Impact-on-Employment-Authorization.pdf>

¹¹⁹ <https://otda.ny.gov/programs/temporary-assistance/>



- Asylum applicants also become eligible for New York State medicaid.¹²⁰
- Applicants with a deportation case pending against them must file their asylum applications to the immigration court with jurisdiction over their case (identifiable through the [EOIR website](#)).¹²¹ Applicants without such cases (and who might not otherwise be placed into deportation track) do so through [USCIS](#).¹²²
- Asylum applications must be filed within **one year of arrival** within the United States. However, extensions are available for people who can demonstrate circumstances that presented extraordinary difficulties for filing a timely application (such as an illness, immigration detention, or being a minor) or which have changed substantially within the past year (such as a coup in their home country or having come to terms with their sexual orientation within the past year). Receipt of other status such as Temporary Protected Status or humanitarian parole may also justify a delay until their expiration.¹²³ People without status who are approaching their one-year deadline should seek consultation with an attorney who might assess the strength of their asylum case and help them make a decision on whether the risk of application and potential deportation may be justified.
- However, even people who have missed their one-year deadline (or have otherwise become ineligible for asylum, for instance, by having been previously deported), are eligible for **withholding of removal**, which is a lesser relief petitioned for in the same application as asylum and which can provide a relief from deportation.¹²⁴
- The asylum application form (**I-589**) includes application for (1) Asylum under the Refugee Convention; (2) Withholding of Removal under the Refugee Convention; and (3) Withholding of Removal under the Convention Against Torture. An

¹²⁰<https://www.uscis.gov/sites/default/files/document/notices/Applicant-Caused-Delays-in-Adjudications-of-Asylum-Applications-and-Impact-on-Employment-Authorization.pdf>

¹²¹ <https://acis.eoir.justice.gov/en/>

¹²² <https://www.uscis.gov/i-589>

¹²³ immigrationequality.org/asylum/asylum-manual/immigration-basics-the-one-year-filing-deadline/

¹²⁴ <https://immigrationequality.org/asylum/asylum-manual/immigration-basics-withholding-of-removal/>



applicant can (and almost always should) apply for all three at the same time using the same I-589.

- **Withholding of Removal under the Refugee Convention** is available to applicants who might otherwise qualify for asylum under the Refugee Convention but are ineligible because they missed the one-year deadline or were previously deported. This provides relief from deportation, as well as work authorization, but not a path to citizenship.
- **Withholding of Removal under the Convention against Torture** provides withholding of removal for applicants who can demonstrate that they are more likely than not to be tortured if they are returned to their home country, either by the government or someone the government is unwilling or unable to control. There is no protected class requirement or a time limit, as there is with asylum. However, there's no path to citizenship.

C. Other Forms of Humanitarian Relief

- Unmarried immigrants under the age of 21 who have been abused, abandoned, or neglected by **one** or more of their parents are eligible for **Special Immigrant Juvenile Status** (SIJS).¹²⁵ SIJS provides one of the simplest and most straightforward paths to citizenship for eligible applicants, with the caveat that it requires a finding of fact from a state family court establishing abuse, abandonment, or neglect.
 - This is usually accomplished through a **guardianship petition** in which the court may appoint a guardian to support the youth who has been deemed abused, abandoned, or neglected.¹²⁶
 - In New York, a **biological parent of the applicant can also serve as the court-appointed guardian**, meaning that migrant youth accompanied by only one of their biological parents can often meet the eligibility criteria for SIJS by

¹²⁵ <https://www.safepassageproject.org/what-is-sijs-status/>.

¹²⁶ https://www.safepassageproject.org/wp-content/uploads/2018/09/SAFE_PASSAGE_SIJS_MANUAL_SUMMER_2017_FINAL.pdf.



- seeking a family court order finding that the non-accompanying parent has neglected them and declaring the accompanying parent their guardian.¹²⁷
- Anyone over the age of 18 can serve as a guardian (including undocumented persons), if the court determines that such guardianship is in the best interest of the minor. Guardianship in New York does not entail a commitment for financial support, though the guardian should have the best interest of the minor at heart. This can be demonstrated, for instance, by helping the minor look for shelter or other benefits.
 - Usually, there are more SIJS-eligible minors than there are willing guardians. Consider recruiting members of your congregation to be SIJS guardian-volunteers. This is an extremely high-impact path for being able to help a young person gain a path to citizenship in the United States they may not otherwise have had.
 - **Temporary Protected Status (TPS)** may be available to people whose country of origin is undergoing an acute humanitarian crisis.¹²⁸ As of January 2025, SIJS is eligible for people from El Salvador, Haiti, Honduras, Ukraine, Nepal, Syria, Nicaragua, Burma, Afghanistan, Yemen, Cameroon, Sudan, Ethiopia, Somalia, and South Sudan, each depending on the date of their arrival in the United States. TPS grants relief from deportation, as well as work authorization.
 - TPS designations are temporary and do not create a path to citizenship.
 - TPS eligibility depends, not only on a person's country of origin, but also their date of arrival in the United States, so check whether a particular person arrived in the country prior to the cutoff dates (available on the [USCIS website](#)).
 - The President makes TPS designations, making them particularly precarious in the coming years.
 - During his first term in office, Trump attempted to prematurely terminate the yet-unexpired TPS designations made by the Obama Administration. This ironically resulted in a better outcome for many TPS beneficiaries

¹²⁷ <https://law.justia.com/cases/new-york/appellate-division-second-department/2014/2013-06146.html>.

¹²⁸ <https://www.uscis.gov/humanitarian/temporary-protected-status>.



than if Trump had simply waited for the designations to expire without renewing them: The Courts blocked the early termination of the designation, and the litigation about the termination lasted until the Biden Administration took office and once again extended the relevant TPS designations.

- Trump repeatedly promised to “end” TPS over the course of 2024 Presidential campaigns. However, it is not clear whether this means he intends to terminate existing designations (as he attempted and failed last time) or if he seeks to simply wait for their expiration without renewing them. So far, Trump has moved to terminate a TPS designation for Venezuela.
- Currently, denials or expiration of TPS does not result in automatic referral of the applicant for deportation, making it a relatively safe recourse. However, interested persons should follow closely if the Trump Administration might attempt to implement any changes.
- Victims of major crimes (including serious domestic violence incidents) who have cooperated with law enforcement investigation of those crimes can apply for **U-Visas**.¹²⁹ NYPD has a dedicated program for **certifying incidents**.¹³⁰ After receiving such certification from the law enforcement agency that investigated the crime committed against them, victims can **apply for a U-visa through USCIS**.¹³¹ Successful applicants receive a path to citizenship, and, unlike with the asylum process, failed applications do not result in an automatic referral for deportation. However, there is a **lengthy backlog**, currently running up about 8 years.¹³²
- Domestic violence victims whose abusers were family members who are U.S. citizens or permanent residents may also qualify for a visa and a path to

¹²⁹https://law.ucdavis.edu/sites/g/files/dgvnsk10866/files/media/documents/FAQ_U_Visas_for_Survivors_of_Crimes_FINAL_updated_08-02-2021.pdf.

¹³⁰ <https://www.nyc.gov/site/nypd/services/victim-services/u-visa-certification.page>.

¹³¹ <https://www.uscis.gov/I-918>.

¹³² <https://egov.uscis.gov/processing-times/>.



citizenship under the [Violence Against Women Act \(VAWA\)](#).¹³³ VAWA provides relief distinct from those provided by a U-Visa—including potential cancellation of deportation, as well as work authorization and processing within a quicker timeline.

- Some immigrants will have received [humanitarian parole](#) upon entering the country because a border official identified a potentially compelling humanitarian need.¹³⁴ Parolees are not unlawfully present in the United States. As such, they are not placed in deportation proceedings and can [apply for work authorization](#).¹³⁵ However, parole is a temporary status that does not grant asylum and does not provide a path to citizenship. Parolees should consult with an attorney before deciding whether or not to apply for asylum.

D. Operating a Community Mailbox

Operating a community mailbox can be one of the most impactful services a congregation can offer for immigrants without a stable address. Immigrants challenging deportation or seeking humanitarian relief must often navigate dozens of crucial government forms and notices each year—about their deportation hearings, ICE-check-ins, asylum interviews, biometric data collection, work authorization, and appeals. Many miss important notices due to the lack of a stable mailing address and find themselves subject to a deportation order.

Assuming that the building can receive paper mail, operating a mailbox is relatively simple:

1. Permit people to register a mailing address “in care of” of your organization, regardless of and without inquiring into their immigration status.¹³⁶
2. Determine how to store and distribute mail to their intended recipients. If the person regularly visits the site for religious or social services, mail can simply be handed to them during such visits. Otherwise, consider designating a mailroom

¹³³ <https://www.ilrc.org/sites/default/files/2023-02/Who%20is%20Eligible%20for%20VAWA%3F.pdf>.

¹³⁴ <https://help.asylumadvocacy.org/parole-document-4/>.

¹³⁵ <https://www.uscis.gov/i-765>.

¹³⁶ For instance, registering a change of address through USCIS will permit an immigrant to register a separate, optional “mailing address” (<https://www.uscis.gov/sites/default/files/document/form>.)” The equivalent form in immigration court will permit an immigrant to register a mailing address “in care of” another person or organization. (<https://www.justice.gov/eoir/page/file/1230661/dl?inline>).



operator who can regularly send text or Whatsapp messages to recipients when mail has arrived.

However, allowing immigrants to register their mailing address at your property may also increase the likelihood that ICE officers will visit the premises as an associated address or a point of contact. You should consider [designating your mail room](#) as “private” and keeping your mailboxes locked. If ICE does show up, you still have the [right to refuse entry without a warrant and remain silent](#). You can also safely and honestly inform them that the applicant only uses the site as a mailing address, that you do not know where they live, and then decline further engagement. For a full discussion of [space management best practices](#), see p. 14.

E. Services and Benefits Available to Immigrants

Be aware that various benefits and services are available to all people, regardless of where they are in their immigration proceedings. These include the right to public education, some amount of shelter, some level of healthcare coverage, forms of identification like IDNYC and New York State Driver’s License, and housing and labor rights. See p. 27 for a more [full compilation](#).



VII. State and Local Sanctuary Laws

Topline:

- Federal law governs immigration status. This includes whether an immigrant is lawfully present in the United States, whether they can be deported, and whether they can work legally. These take precedence over local laws, regardless of whether or not the state or city has declared itself a sanctuary for immigrants. Neither New York City nor State can grant residents lawful immigration status or work authorization. ICE can arrest people within those jurisdictions as well as place them in deportation proceedings.
- With these limitations, sanctuary commitments of states and cities can broadly be understood in terms of three categories:
 1. Cities and states can choose not to expend their own resources or personnel (such as NYPD) time on immigration enforcement or cooperation with ICE, as well as to limit the exposure of immigrants to the federal immigration authorities as they interface with state and local police and legal systems. For the most part, this is the current policy of both New York City and State.
 2. Cities and states can choose to exercise their full range of [legal rights to exclude](#) immigration enforcement from their own property, such as municipal buildings. This is the case with New York State courthouses. However, as with private right to exclude law enforcement, non-consent could be overcome with a warrant.
 3. Cities and States can also provide various benefits and services to residents, such as healthcare and shelter, regardless of their immigration status. For a compilation of New York State and City benefits for which immigrants are eligible see p. 25, [Rights and Entitlements](#).

In familiarizing yourself the various “sanctuary” laws and policies of New York City and State, keep the following in mind:

- ❖ New York **City** laws cover the five boroughs of Bronx, Brooklyn, Manhattan, Queens, and Staten Island. Programs serving immigrants who spend a significant amount of time outside the boroughs (including Westchester County and portions of Long Island outside Brooklyn and Queens) should separately check the sanctuary policies of the relevant counties, cities, towns and states.



- **City Executive Orders** and Actions are taken by the New York City Mayor which can also be undone by the current Mayor. For instance, New York City Mayor Eric Adams was able to [sharply limit the scope of New York City’s right to shelter for many recently arrived immigrants](#) and has signaled interest in [rolling back executive orders](#) from previous administrations protecting immigrants.¹³⁷
- **City Laws** are passed by the New York City Council. The Mayor is required to follow city laws, and they cannot be unilaterally undone by the Mayor.
- ❖ New York **State** laws cover the entire state and take precedence over City law.
 - **State Executive Orders** and Actions are taken by the New York State Governor. They can also be undone by the current Governor or overridden by the State Legislature.
 - **State Laws** are passed by the New York State Legislature. Once enacted, they cannot be undone by either the mayor or the governor.

Learning these distinctions is helpful, not only for better following developments on how local law and policy protects (or fails to protect) immigrants, but also for identifying the most effective vectors for [advocacy](#). For instance, because the decision to limit New York City’s right to shelter for recently arrived immigrants was made by the New York City Mayor, the current or next Mayor could reverse or limit the scope of this decision. New York City Council (or theoretically, New York State Legislature) could also potentially reverse the Mayor.

Because New York City currently has a less pro-immigrant Mayor relative to the City Council, advocating for the City Council or the State Legislature to pass additional laws protecting immigrants may be particularly impactful. Likewise, because New York State has a more moderate Governor relative to the State Legislature, advocating for the state legislation might provide significant protections, especially if the governor is faced with more anti-immigrant political pressures.

Actions from the State Legislature or Governor are especially important to protect the rights of immigrants who live in conservative-leaning counties in more rural portions of Upstate New York, where county sheriffs and governments may seek to expand their

¹³⁷ <https://www.cityandstateny.com/policy/2024/03/city-hall-and-legal-aid-society-settle-right-shelter-case/394996/>; <https://san.com/cc/nyc-mayor-looks-to-change-sanctuary-law-bypass-city-council-opposition/>.



collaboration with ICE or federal deportation policies unless state law directly prohibits them from doing so.

A. New York City

1. Executive Actions of New York City Mayor

[New York City Executive Order 34](#)¹³⁸

- Prohibits city officials from asking about a person’s immigration status unless such information is necessary to determine the person’s eligibility for benefits or is otherwise required by law.
- Prohibits law enforcement (including NYPD) from inquiring after a person’s immigration status merely for the purpose of determining the lawfulness of their presence in the United states.
- Announces a general policy of not inquiring after the immigration status of crime victims, witnesses, or others seeking police assistance.
- Clarifies that the NYPD will continue cooperating with federal officials in investigating immigrants who are suspected of having committed non-immigration crimes.
- Announces a city policy of providing municipal services regardless of immigration status, unless they are explicitly denied eligibility by law.

[New York City Executive Order 41](#)¹³⁹

- Prohibits city officials (including NYPD) from disclosing people’s immigration status, except in the case of certain necessities (for instance, if such information is necessary to identify a person in the case of emergency or connected to terrorism investigations).

[Callahan Settlement Revision](#)¹⁴⁰

- Limited New York City right to shelter for recently arrived immigrants.

¹³⁸ <https://www.nyc.gov/assets/immigrants/downloads/pdf/eo-34.pdf>

¹³⁹ <https://www.nyc.gov/assets/immigrants/downloads/pdf/eo-41.pdf>.

¹⁴⁰ https://iapps.courts.state.ny.us/nyscef/ViewDocument?docIndex=mMvITZFjq_PLUS_X/RU7jGZrf4Q==.



- See p. 28 for further discussions on the [right to shelter](#).

2. *Acts of City Council*

[NYC Administrative Code § 10-178](#)¹⁴¹

- Prohibits New York City officials from spending any municipal resources (including NYPD officer time and city property) on immigration enforcement.

[NYC Administrative Code § 9-131](#); ¹⁴² [14-154](#)¹⁴³

- New York City police and jails cannot detain immigrants on the basis of their immigration status.

These policies were enacted by the New York City Council through [New York City Local Law 228 of 2017](#) and [New York City Local Law 59 of 2014](#).

B. New York State

1. *New York State Governors' Executive Actions*

[Executive Order 170](#)¹⁴⁴

- Prohibits New York State officials from inquiring after people's immigration status, unless such information is necessary to determine the person's eligibility for benefits or explicitly required by law.
- Prohibits New York State officials from disclosing anyone's immigration status, unless explicitly required by law.
- Prohibits New York state law enforcement from inquiring after a person's immigration status merely for the purpose of determining the lawfulness of their presence in the United States.

¹⁴¹ <https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYCAadmin/0-0-0-6787>.

¹⁴² <https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYCAadmin/0-0-0-5445>.

¹⁴³ <https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYCAadmin/0-0-0-25183>.

¹⁴⁴ https://www.governor.ny.gov/sites/default/files/atoms/files/EO_%23_170.pdf



[New York Governor’s Guidance on protection for undocumented workers who file labor complaints](#)¹⁴⁵

- Introduces a policy under which the New York Department of Labor would ask for prosecutorial discretion from ICE to refrain from prosecuting an undocumented worker who makes a labor complaint.
- May be moot during the second Trump Administration, under which ICE may not honor such requests for prosecutorial discretion.

2. *New York State Law*

[Protect Our Courts Act](#), enacted in [New York State Civil Rights Law § 28](#)¹⁴⁶

- Purports to prohibit ICE from arresting people at New York state and city courthouses or arrest people traveling to and from such courts without judicial warrants.

[Francis v. Demarco](#) and [interpretive guidance](#) from New York Attorney General¹⁴⁷

- Court decision holding that that New York law does not create a right on the part of state and local law enforcement to detain people for suspected immigration violations
- Suggests that local sheriffs may not enter into agreements with ICE (though this is yet untested and may be challenged or reversed in future court proceedings)

[Driver’s License Access and Privacy Act](#) (“Green Light Law”)¹⁴⁸

- Permits New York state residents to apply for and receive a driver’s license regardless of immigration status.

¹⁴⁵<https://www.governor.ny.gov/news/governor-hochul-announces-implementation-federal-measures-protect-undocumented-workers-during>.

¹⁴⁶<https://casetext.com/statute/consolidated-laws-of-new-york/chapter-civil-rights/article-3-privilege-from-arrest/section-28-multiple-versions-civil-arrest-certain-locations>.

¹⁴⁷ https://www.nyclu.org/uploads/2018/11/people_ex_rel_wells_francisvdemarco.pdf;
<https://ag.ny.gov/sites/default/files/francis-sj-dearcolleague-letter.pdf>.

¹⁴⁸ <https://www.nysenate.gov/legislation/bills/2019/S1747>



- Prevents New York DMV from sharing information to ICE.

See codified provisions at [New York Vehicle and Traffic Act](#), Sections [201](#) (limits on the disclosure of personal information, including to ICE), [502](#) (expanded eligibility and possible proof of identity), and [508](#) (privacy).¹⁴⁹

- ❖ While many of these sanctuary provisions limit city and state government’s disclosure of residents’ immigration status to the federal government, these protections are not completely foolproof. The federal government and courts may issue subpoenas that compel disclosure notwithstanding these prohibitions.
- ❖ The safest services are always those that do not inquire about the seeker’s immigration status at all. See [p. 27 for further discussion](#).

Repeal, Circumvention, and Anti-Sanctuary Laws

Discussions of circumventing or outright repealing state and local sanctuary laws have become increasingly common among politicians—[most notably from New York City Mayor Eric Adams](#).¹⁵⁰ During his first term, President Trump implemented [anti-sanctuary policies](#) withholding certain federal grants from sanctuary cities, with mixed responses from courts and the cities themselves.¹⁵¹ The Second Circuit Court of Appeals, in which New York is located, [upheld the first Trump Administration’s anti-sanctuary policies](#).¹⁵²

The second Trump Administration has already issued an executive order directing the Department of Homeland Security and the Department of Justice to find ways to penalize sanctuary jurisdictions and their officials.¹⁵³ Such efforts may provide a pretext for local politicians to push for the repeal of state and municipal sanctuary laws. Communities supporting immigrants should closely follow these developments and consider [advocating to preserve local sanctuary protections for immigrants](#).

¹⁴⁹ <https://www.nysenate.gov/legislation/laws/VAT/-CH71>.

¹⁵⁰ <https://gothamist.com/news/eric-adams-sanctuary-border-czar-tom-homan>.

¹⁵¹ https://en.wikipedia.org/wiki/Executive_Order_13768.

¹⁵² <https://casetext.com/case/new-york-v-us-dept-of-justice>.

¹⁵³ whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/.



VIII. Advocacy

Communities have a [right](#) to engage in advocacy for the more just and compassionate treatment of immigrants, as well as for the expansion of legal rights for undocumented people. Some of the most helpful and urgent advocacy needs includes [Intro 210](#) before the New York City Council, which would restore the right to shelter for recently arrived immigrants. [New York for All Act](#), before the state legislature, would codify into state law various sanctuary commitments—including a prohibition on the use of state resources and law enforcement for immigration enforcement.¹⁵⁴

[Begin by subscribing for updates and action alerts](#) from relevant advocacy groups. That is one of the easiest ways to remain up to date on potential changes to the law and advocacy opportunities for your community to be involved in.¹⁵⁵

The most effective way to mobilize your community for advocacy is often to call your local elected representatives, especially in the City or State legislature. Simply telling politicians that you represent a congregation in their district is usually enough to secure a meeting or a visit with elected officials. Faith and lay leaders should clearly articulate before and in these meetings that they are hoping to find ways to better advocate for immigrant members of the local community. Elected leaders and their staffers can often inform the community of relevant legislative proposals that are currently up for debate, as well as connecting them with opportunities to engage in activism, participate in protests, and testify in public hearings.

Individual and community voices have an outsized impact on local and state politics compared to federal politics, and local politicians are generally highly sensitive to congregational support or mobilization, as local elections typically feature very low voter turnout and slim margins for victory or loss. Mobilizing your community for local political engagement can be not only an effective strategy for advancing justice, but also an important pastoral response to the often paralyzing sense of anxiety, outrage, and helplessness that infect many individuals' attitude towards federal politics.

¹⁵⁴<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=6555125&GUID=9CAE96DC-8D90-4BE5-8342-1E22E032CF77&Options=&Search=>; <https://www.nyc.org/our-work/campaigns/new-york-for-all/>.

¹⁵⁵ <https://www.nyc.org/get-involved/>



- Begin by identifying your local elected representatives for your community. You can enter your address into websites like mygovnyc.org/ and see a full list of your elected city, state, and federal representatives. Email or give a phone call to each of them—telling them that you represent a congregation in their district, that your community is looking to advocate for immigrants in the neighborhood, and that members of your community would like to meet and chat with them, either at their office or in your congregation. Ask them how they are supporting the immigrant community, and if they are supporting one of the bills listed below. Ask them how your community can be involved in advocating for policies that support immigrants, including those listed here, whether by testifying at hearings, leaving comments, or engaging in other activism.
- **New York for All Act** is a proposed law before the New York State Legislature which would prohibit the use of state resources for immigration enforcement, limit law enforcement cooperation with ICE in the state, and restrict law enforcement’s ability to inquire after residents’ immigration status. You can find ways to advocate for the passage of the law here: <https://www.nyic.org/our-work/campaigns/new-york-for-all/>.
- **Intro 210** is a bill before New York City Council, which would reverse the Adams Administration’s decision to **time-limit the right to shelter** for recently arrived immigrants. You can find ways to advocate for its passage here: <https://www.ny-sane.org/actions>.
- **Dignity Not Detention Act** would prohibit New York State facilities from being used for immigration detention. You can find ways to advocate for this bill here: <https://nydignitynotdetention.org/take-action/>
- **Coverage for All Bill** would expand New York state healthcare coverage access for immigrants. You can find ways to advocate for its passage here: <https://www.coverage4all.info/>
- **Repealer for Discovery and Disclosure of Immigration Status** would limit the discovery and disclosure of immigration status in state criminal court proceedings. You can register your support and leave comments on the bill here: <https://www.nysenate.gov/legislation/bills/2023/S987>



- Both New York City [Mayor Eric Adams](#) and more conservative members of [New York City Council](#) have been calling for the repeal of New York City’s [sanctuary laws](#). Consider telling these officials (and your elected representatives) that you and your community support New York City’s sanctuary commitments.
- The current Republican control of the White House, Senate, and the House of Representatives means that there are limited hopes for affirmative federal action that would expand immigrants’ rights. Currently, the most important vectors for federal advocacy involve encouraging Congressional Democrats to stand up against legislative efforts to abridge immigrants’ rights. The support of 12 Senate Democrats resulted in the passage of the [Laken Riley Act](#), which expanded mandatory immigration detention, and several have already signaled an interest in [curtailment of asylum seekers’ rights](#).¹⁵⁶
- One of the easiest ways to remain educated about developments in potential advocacy opportunities is to sign up for action alerts and subscribe to newsletters from local immigrants’ rights organizations. You can sign up for the New York Immigrants Coalition’s alerts here: <https://www.nyic.org/get-involved>.

¹⁵⁶ <https://apnews.com/article/what-is-laken-riley-act-trump-immigration-2667d626139ddf5a16d1533516eab18f>.

