



**ICNY**  
Interfaith Center of New York

"A sanctuary is a place made holy and set apart by its **radical non-deference to human hierarchies of social status and power.**" Under medieval canon law, debtors and fugitives could pursue immunity from arrest by taking refuge in churches and other sacred spaces.

There, all stigmas and distinctions of legal status which divide human beings were thought to dissolve—as all stood equal in their mortality and humanity in the presence of the eternal and the divine.

Sanctuaries provide refuge from our prevailing political order, in which our governments do engage in severe discrimination between human beings on the basis of their parentage and place of birth. This reality makes 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 human beings are worthy of love, care, and rights, solely on the basis of their personhood.

Practically, these 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 bottleneck for ICE raids?
- To what [social services and welfare benefits](#) can a congregation safely refer immigrants without the fear that such referral would result in arrest and deportation?
- What should a faith leader do when one of their congregants is [detained by ICE](#)?

Lives of many immigrants in America are so thoroughly regulated and managed by complex administrative bureaucracies that aspiring to be a sanctuary for them can raise many complicated legal questions.



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Modern American law does not recognize sanctuary immunity as did medieval canon law, and **declaring a space to be a sanctuary does not shield immigrants, or the house of worship serving them, from ICE**. In fact, as soon as it took office, the second Trump Administration [rescinded a policy](#) which had historically discouraged ICE raids, arrests, and other immigrant enforcement actions at or around religious spaces. In this context, a *sanctuary* is best understood, not as a legal status, but as an ethical and theological commitment to action with myriad legal implications. This document compiles expert legal research 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 are relevant to such efforts. The question of whether a city or state is a sanctuary *jurisdiction* is better understood as a distinct issue. It is discussed in [section VIII of this guide](#), because it can be useful for congregations to understand to what [state and local benefits immigrant](#) community members might be eligible for, and for what kind of local laws and policies [they should advocate for at the city and state level](#).

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 initially developed for use by faith communities in New York City, though it mostly covers federal immigration and constitutional law applicable throughout the United States. State and city sanctuary laws, as well as government benefits available to immigrants, vary widely by jurisdiction. Consult local attorneys and resources to learn the laws applicable to your jurisdiction for these issues.
- ❖ 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 2026 March 4.
- ❖ 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](mailto:eugene@interfaithcenter.org) and Brennan Brink, the Center’s Associate Director for Migrant Outreach, at [brennan@interfaithcenter.org](mailto: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. Summary of 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, except when necessary to meet their legal needs.<sup>1</sup>
- 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, like clergy, secretaries, and custodial and program staff, on these policies.<sup>2</sup>
- Avoid creating large crowds or long lines of people waiting outside your congregation in a manner that might draw ICE attention. If possible, [move lines and waiting areas for services like food pantries or childcare indoors](#).
- Clearly communicate the congregation’s non-consent to entry by ICE and to any immigration enforcement activities in its property. The best way to do this is often by posting [signage](#).
  - You can designate entire buildings to be “private” or “members only” in a way that prevents warrantless entries.
  - Consider designating certain high concern areas *within* buildings otherwise open to the public as private. For instance, a congregation could designate rooms with shelter beds or English classes as “members only” with a door sign. ICE and other law enforcement may be able to enter without a warrant

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<sup>1</sup> 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. 33.

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.

<sup>2</sup> 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.



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.
- Train staff members about the [right to refuse warrantless searches and to remain silent if ICE visits](#). If ICE is at the door, the most [protective steps](#) are generally to:
  - State that you do not consent to entry and refuse further engagement without an attorney present.
  - If the agent claims to have a warrant, ask if it is a judicial warrant signed by a judge (and not an [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.<sup>3</sup>
- Request and host a [Know Your Rights training](#).<sup>4</sup>
- 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.<sup>5</sup>
- [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.<sup>6</sup>

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<sup>3</sup> For further discussion of [how to respond to ICE visits](#), see p. 16.

<sup>4</sup> <https://www.nyc.gov/site/immigrants/legal-resources/immigrant-rights-workshops.page>

<sup>5</sup> For further discussion of the [employment of immigrants](#), see p. 37.

<sup>6</sup> For further discussion of [how to operate a mailbox](#), see p. 48.



- Explore opening your facilities as a [shelter for asylum seekers](#).<sup>7</sup>
- Maintain a list of pro bono immigration legal services to which you can refer people. [Immigration Advocates Legal Services Directory search engine](#) <sup>8</sup>
- If you serve a large number of people who will likely be affected, consider pursuing organizational [accreditation to be able to advocate for immigrants before USCIS or Immigration Court court](#).<sup>9</sup>
- 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.<sup>10</sup>
- Order, print, and distribute [Red Cards](#).<sup>11</sup>
- Help people obtain New York City ID through [IDNYC](#) or [New York State Driver's License](#)<sup>1213</sup>
- Help [advocate](#) for City and State Sanctuary Policies.<sup>14</sup>
- Congregational leaders and program staff serving immigrants should be familiar with:
  - [Basic immigrants rights](#),<sup>15</sup> including the facts that:

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<sup>7</sup> <https://www.nydis.org/asylum-seeker-shelter-services/>. For further discussion of space use, security, shelter, and housing, see p. 9.

<sup>8</sup> <https://www.nyc.gov/site/immigrants/legal-resources/immigration-legal-services>

<sup>9</sup> <https://www.nyc.gov/resources-training/immigrant-concerns-training-institute/doj-recognition-accreditation/> For some key legal help that can be helpful for immigrants, see p. 40.

<sup>10</sup> [https://www.ilrc.org/sites/default/files/2024-05/What%20is%20SIJS\\_May%202024.pdf](https://www.ilrc.org/sites/default/files/2024-05/What%20is%20SIJS_May%202024.pdf)

<sup>11</sup> <https://www.ilrc.org/red-cards-tarjetas-rojas>

<sup>13</sup> <https://www.nyc.gov/site/idnyc/index.page>

<sup>14</sup> For further discussion of congregational [advocacy for more immigrants rights](#), see p. 50.

<sup>15</sup> <https://www.aclu.org/know-your-rights/immigrants-rights>



- 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, though they remain at the risk of ICE detention while their asylum claims are being considered, if they are otherwise removable.
  - 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.<sup>16</sup>
  - Some jurisdictions, like New York City or the state of Massachusetts, has a legal obligation to provide [shelter](#) regardless of immigration status. This might be qualified by local policies.<sup>17</sup>
  - Some form of [healthcare coverage](#) is available to everyone, though the scope of coverage varies widely depending on city and state.<sup>18</sup>
  - Workers enjoy protection of [labor law](#), regardless of immigration status, as do tenants under housing law. In places like New York, state and city agencies will investigate complaints of labor and housing violations without inquiring after workers' immigration status. Many accept anonymous reports.<sup>19</sup>
  - All children have a constitutional [right to public education](#), regardless of immigration status. Anyone under the age of 21 who has not completed high school can enroll in New York public schools.<sup>20</sup>
- [Basics of immigration court, deportation, and asylum.](#)<sup>21</sup>

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<sup>16</sup> For further discussion of the [asylum process](#), see p. 42.

<sup>17</sup> For further discussion of [shelter rights](#), see p. 23.

<sup>18</sup> For further discussion of [healthcare access](#), see p. 28.

<sup>19</sup> For further discussion of [labor and housing rights](#), see p. 29.

<sup>20</sup> For further discussion of the [right to public education](#), see p. 27.

<sup>21</sup> For further discussion of [immigration proceedings](#), see p. 40.

- Law enforcement policy of your [jurisdiction](#) in regards to immigration enforcement.<sup>22</sup>
- [Potential liability](#) for harboring undocumented people and for facilitating illegal immigration and unlawful presence.
- Legal framework for [hiring](#) immigrant workers.<sup>23</sup>
- The distinction between [federal](#) benefits that immigrants are not eligible to receive and [city/state/nonprofit](#) services for which they may qualify.<sup>24</sup>

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<sup>22</sup> For further discussion of [sanctuary city/state policies](#), see p. 50.

<sup>23</sup> For further discussion of criminal prohibitions on the [harboring of undocumented immigrants and facilitation of unlawful presence](#), see p. 33.

<sup>24</sup> 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 at or around religious spaces](#).
- 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, without a warrant, spaces that are otherwise open to members of the public at large, like a worship area during religious services or open-door social services programs. If the space is on private property, you should ask them to leave and inform them that they do not have the organization’s consent to engage in immigration enforcement or remain in the property without a warrant.
- 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.<sup>25</sup>
- Consider posting three kinds of [signage](#):
  1. **Signs at points of entry into the property** noting non-consent to ICE entry. If you serve a large number of vulnerable immigrants, consider implementing a more general entry policy only allowing entry by members like staff, volunteers and service recipients.
  2. **Signs in public areas within property** prohibiting immigration enforcement activities within the property and asking immigration enforcement to leave.
  3. **Signs in front of closed areas** that note “STAFF AND MEMBERS”

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<sup>25</sup> 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.



- 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.<sup>26</sup>
- The simplest steps to take if ICE or others engaged in immigration enforcement seek seek 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, so that staffers can refer them before answering the door:


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<sup>26</sup> 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.


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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."

If they say **YES, I have a warrant**, 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.

 **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](#)<sup>27</sup>

**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 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, the above-named 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: \_\_\_\_\_ DEP. CLERK

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 answer who is accused of an offense or violation based on the following document filed with the court:

Indictment  Responding Information  Information  Responding 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. Vashelak, U.S. Magistrate Judge

Return

This warrant was received at about 6:27:00 PM and the person was released at about 6:28:20 PM at (city and state) District, Colorado.

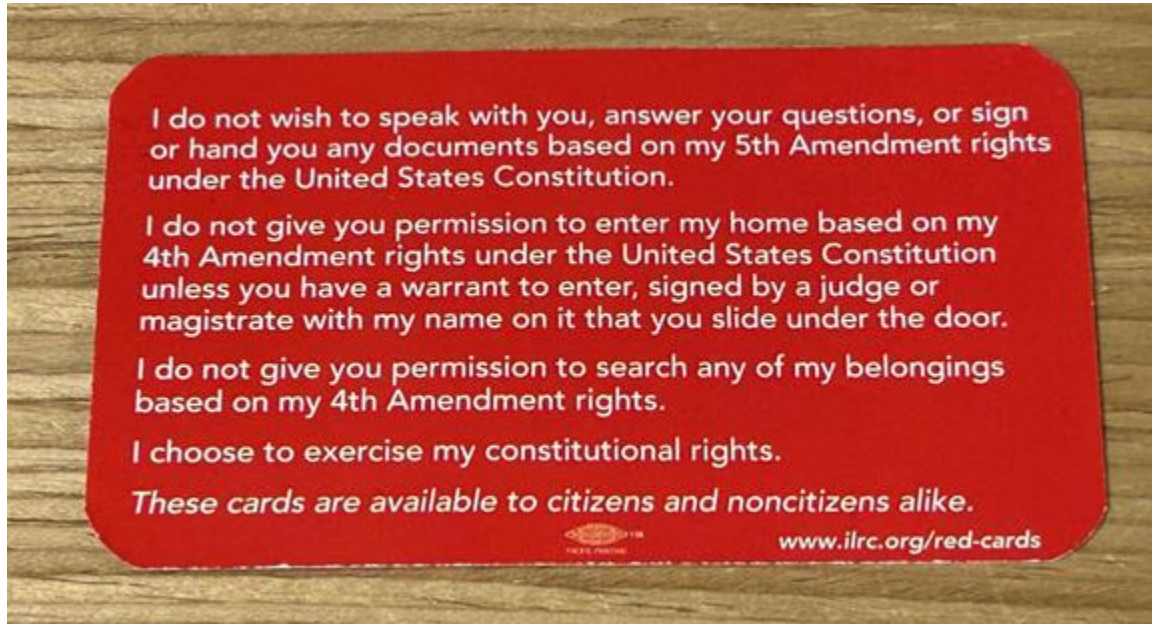
Date: 6/28/2017

\_\_\_\_\_  
Issuing officer's signature  
Tara Brown, Immigration Officer  
Printed name and title

<sup>27</sup> [https://www.nyc.gov/assets/immigrants/downloads/pdf/KYR-with-ICE\\_Booklet\\_2025\\_Eng.pdf](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 Coalition<sup>28</sup>

- 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.<sup>29</sup>

- 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.”<sup>30</sup>
- Explore [volunteering your congregational space](#) as a shelter for asylum seekers.

<sup>28</sup><https://coloradoimmigrant.org/related/understand-the-difference-between-judicial-warrants-and-ice-warrants/>

<sup>29</sup> <https://www.ilrc.org/red-cards-tarjetas-rojas>

<sup>30</sup> See also p. 33 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.<sup>31</sup> 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.<sup>32</sup>

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.”<sup>33</sup> There have been few, though alarming, examples of this change, with arrests taking places mostly *outside* the<sup>34</sup>

- Just a few days after the second Trump administration took office in January 2025, “an undocumented man was **taken into custody by ICE while attending church Sunday in Tucker, Georgia.**” Later **reporting suggests** that ICE activated the man’s GPS ankle monitor to lure him outside the Church and arrested him immediately as the man exited the building so as not to disrupt the sermon while he attended to the suddenly blaring anklet monitor.

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<sup>31</sup> 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.

<sup>32</sup> <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>

<sup>33</sup> <https://www.dhs.gov/news/2025/01/21/statement-dhs-spokesperson-directives-expanding-law-enforcement-and-ending-abuse>

<sup>34</sup> <https://www.newsweek.com/ice-strikes-church-service-migrant-arrested-immigration-2023392>



- During November 2025 ICE raided a church yard in Charlotte, North Carolina, while “15 to 20 Church members were doing yard work on the property while their children played games and their spouses cooked meals.” “Agents parked just outside a closed gate leading to the church parking lot and ran into the yard” and arrested one member, leading the rest of the group to scatter, with some running into the woods.
- On January 29, 2026, ICE raided a food ministry event at an LA Methodist Church parking lot and arrested a community member. The event ended early as attendees sheltered in place for several hours.

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. And with the rescission of the Protected Areas/Sensitive Locations policy, faith communities should now be prepared to exercise the traditional constitutional rights on which other private organizations, property owners, and individuals have been relying to protect themselves from ICE for many decades: namely, the **Fourth Amendment Right to refuse warrantless searches and entry into private property** and the **Fifth Amendment Right to remain silent before law enforcement**.

## B. Space Use, Fourth Amendment, Consent to Entry

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.<sup>35</sup>

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

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<sup>35</sup> [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”



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 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).<sup>36</sup>

Note that ICE issues its own warrants ([ICE administrative warrants](#)) for the arrest of immigrants it believes are deportable.<sup>37</sup> However, ICE warrants **do not authorize officers to enter private property**. Only [judicial \(judge-signed\) warrants](#) permit such entry.<sup>38</sup> Relevant personnel should be trained to recognize the [difference](#).<sup>39</sup> 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.<sup>40</sup> 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](#)

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<sup>36</sup> *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.”)

<sup>37</sup> See e.g., [https://www.ilrc.org/sites/default/files/resources/i-200\\_and\\_i-205\\_sample\\_annotated.pdf](https://www.ilrc.org/sites/default/files/resources/i-200_and_i-205_sample_annotated.pdf)

<sup>38</sup> See e.g., <https://www.aclu-co.org/sites/default/files/Example-of-Judge-Warrant-1.pdf>

<sup>39</sup> <https://projectsouth.org/wp-content/uploads/2023/04/Warrant-Fact-Sheet.pdf>

<sup>40</sup> See p. 25 “[Rights and Entitlements](#)” for legal referrals list and instructions on signing up for a Know Your Rights training.



[such as the NYPD](#).<sup>41</sup> 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.

Also note that ICE is not the only agency engaged in immigration enforcement. [Customs and Border Patrol \(CBP\) has been routinely been deployed for interior immigration enforcement](#) under the second Trump Administration. The Administration has also been [deputizing and deploying officials from non-immigration federal agencies, like the ATF, DEA, and FBI, for immigration enforcement](#). Finally, some states and cities authorize [local police to participate in civil immigration enforcement](#) in various ways. Be sure to express the congregation's non-consent to *any* immigration enforcement, not just ICE.

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 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.

The rights discussed above, like refusing entry into private property without a warrant or refusing to engage with law enforcement on the streets, remain good law. However, this does not guarantee that ICE will not simply violate those rights or engage in the use of violence or retaliatory tactics against individuals who choose to exercise them.

To the extent you are safe, willing, and able, you should still register your non-consent to the underlying violation while exercising your rights, as well as to do your best to document as many details as possible about the occurrence, so that illegal acts can later be challenged in court and brought to public light. Legal analysis and guidance are predicated on assessments of what rights and rules will be upheld in courts of law. They can only go so far in an era in which the government is openly flouting the law and

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<sup>41</sup> <https://www.immigrantdefenseproject.org/ice-ruses/#10-how-can-i-protect-myself-from-ruses>



summarily executing its citizens on the streets for exercising their fundamental constitutional rights. It is up to all of us as communities—not just lawyers—to weigh the increased burdens and risks associated with exercising our rights and to practice both caution and courage in protecting our democracy.

### 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.

If immigration enforcement visits:

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.<sup>42</sup>
  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

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<sup>42</sup> 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.



NYPD or another local agency, or in the event of an unexpected visitor/delivery), directly 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](#)<sup>43</sup> and a [comparison of ICE vs judge-signed warrant](#), from Colorado Immigrant Rights Coalition<sup>44</sup> 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.<sup>45</sup>

- 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.

- Regardless of the manner of entry, if ICE does make its way into the property, and more than one community member is present, they should each, in the order of priority:

1. Verbally noting the lack of consent for immigration enforcement to be present in the property and asking them to leave;
2. Calling an attorney; and
3. Filming/recording the situation.

#### 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**

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<sup>43</sup> [https://www.nyc.gov/assets/immigrants/downloads/pdf/KYR-with-ICE\\_Booklet\\_2025\\_Eng.pdf](https://www.nyc.gov/assets/immigrants/downloads/pdf/KYR-with-ICE_Booklet_2025_Eng.pdf)

<sup>44</sup> <https://coloradoimmigrant.org/related/understand-the-difference-between-judicial-warrants-and-ice-warrants/>

<sup>45</sup> Such cards may be printed or ordered at <https://www.ilrc.org/red-cards-tarjetas-rojas>.



**consent.**<sup>46</sup> However, they still require a warrant to enter closed, private areas of private property, even if the building in general is open to the public.<sup>47</sup> 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” or “employees only.”

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.<sup>48</sup> It is also possible to designate the entire property as private

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<sup>46</sup> *Washington Square Post No. 1212 Am. Legion v. Maduro*, 907 F.2d 1288 (2d Cir. 1990).

<sup>47</sup> *Marshall v. Barlow's, Inc.*, 436 U.S. 307 (1978).

<sup>48</sup> 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



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.** The sign may simply read “PRIVATE” or “Members only.” Communities hoping to express a generally open-door policy while specifically excluding immigration enforcement might try alternative signs like:

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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 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.



## **NO Entry by ICE or Immigration Enforcement**

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.”

## **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.

These signs likely offer legal protections on a less firm footing than a simple “Private” or “Members Only” sign. (See **Footnote 9**). They may additionally attract unwanted attention, especially if a large number of undocumented people do regularly gather inside. Communities can assess their own risk of tolerance, as well as balance between attempting to exclude ICE and maintaining a mostly open-door policy.

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 clearly indicates that the congregation does not permit any immigration enforcement activities within its property.** For instance:

### **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 signs specifically attempting to express non-consent to ICE entry of property that is generally open to the public or specific non-licensing or non-permission of immigration enforcement activities within the property has not been fully tested in court. (See **Footnote 9**). 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 case 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.

The firearm restrictions signage is less risky in this regard, but communities that have a close working relationship with local law enforcement such as the NYPD may not wish to risk alienating them by posting such signage.

**Indoor Licensing Signage** 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).

As such, an at-risk community could consider putting up outdoor signage that simply designates the space to be “Private” or for “Members Only” while putting up more tailored signs restricting immigration enforcement or firearms possession indoors.

Indoor Private Area Signage on closed doors should be legally sufficient to protect those designated spaces from warrantless searches.



Finally, congregations posting outward-facing signs 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.

### 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](#).<sup>49</sup>

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<sup>49</sup> For further discussion of criminal prohibitions on the [harboring of undocumented immigrants and facilitation of unlawful presence](#), see p. 33.

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](#).”<sup>50</sup>

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 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.<sup>51</sup>

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<sup>50</sup><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>.

<sup>51</sup>[https://iapps.courts.state.ny.us/nyscef/ViewDocument?docIndex=mMvITZFjq\\_PLUS\\_X/RU7jGZrf4Q==](https://iapps.courts.state.ny.us/nyscef/ViewDocument?docIndex=mMvITZFjq_PLUS_X/RU7jGZrf4Q==)



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.

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.

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](#)” status 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.

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.<sup>52</sup>

### 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**
  - **New York Immigration Coalition**
  - **National Lawyers Guild**
  - **Make the Road New York**
  - **New York Mayor’s Office for Immigrant Affairs**

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:

- **DOJ’s pro bono list**
- **Immigration Advocates Legal Services Directory search engine**

These are some core rights that both faith communities and individuals should be aware of:

- You have the right to remain silent and to decline engaging with law enforcement without an attorney present.<sup>53</sup>
  - This right extends to both documented and undocumented people. A more general community practice of declining cooperation with ICE helps

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<sup>52</sup> <https://www.nydis.org/asylum-seeker-shelter-services/>

<sup>53</sup> 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*.



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.<sup>54</sup>
- 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.<sup>55</sup>
  - 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 “members only,” even during program/service hours during which the building at large is open to the public.<sup>56</sup>
  - When in doubt, you can always verbally note that you do not consent to law enforcement entry. If non-consensual search was unwarranted/unlawful, retroactive remedies can be sought in court. Even if entry was warranted, it still never hurts to note your non-consent.

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<sup>54</sup> [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.”)

<sup>55</sup> This is another constitutional right, enshrined in the [Fourth Amendment](#) to the U.S. Constitution.

<sup>56</sup> See p. 14 for further discussions of [space management](#).



- 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.<sup>57</sup>
- You have the right to film/record law enforcement activity. However, note that ICE has been using violence to chill the exercise of this constitutional right.
- You have a right to speak, [advocate](#), and preach in favor of more just and humane policies towards immigrants, including undocumented people.<sup>58</sup>
  - 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.
- **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.<sup>59</sup>
  - New York City residents can enroll through [NYC Family Welcome Centers](#).<sup>60</sup>
- Many immigrant children also have a right to enroll in the [Child Health Insurance Program](#).<sup>61</sup>

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<sup>57</sup> See the section on [space, security, and shelter](#) at p. 9 for the use of these tools.

<sup>58</sup> See p. 56 for further discussions of [advocacy opportunities](#).

<sup>59</sup> <https://www.nysed.gov/student-support-services/enrollment-procedures-immigrant-students>.

<sup>60</sup> <https://www.schools.nyc.gov/enrollment/enrollment-help/family-welcome-centers>.

<sup>61</sup> [https://www.health.ny.gov/health\\_care/child\\_health\\_plus/how\\_do\\_i\\_apply.htm](https://www.health.ny.gov/health_care/child_health_plus/how_do_i_apply.htm).



- **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](#), though the scope of coverage [varies widely by state](#). For instance, in New York:
  - Persons experiencing acute symptoms of sufficient severity to require immediate medical attention are covered by [New York State emergency medicaid](#).<sup>62</sup>
  - Undocumented residents of New York City have a broader range of coverage through [NYC Care](#).<sup>63</sup>
- Many immigrants are eligible for a broader range of care through [New York State Medicaid](#).<sup>64</sup> 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.<sup>65</sup>
  - People who need shelter can find it by visiting a [city intake center](#). For most residents, the length of stay may be indefinite.<sup>66</sup>
  - 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:
      - Arrived in the United States after 2022 March 15; and
      - Are over the age of 18; and

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<sup>62</sup> [https://www.health.ny.gov/health\\_care/medicaid/emergency\\_medical\\_condition\\_faq.htm](https://www.health.ny.gov/health_care/medicaid/emergency_medical_condition_faq.htm).

<sup>63</sup> <https://www.nyccare.nyc/enroll/>

<sup>64</sup> [https://www.health.ny.gov/health\\_care/medicaid/how\\_do\\_i\\_apply.htm](https://www.health.ny.gov/health_care/medicaid/how_do_i_apply.htm)

<sup>65</sup> [https://en.wikipedia.org/wiki/Callahan\\_v.\\_Carey](https://en.wikipedia.org/wiki/Callahan_v._Carey)

<sup>66</sup> <https://www.nyc.gov/site/dhs/shelter/singleadults/single-adults-applying.page>



- 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.<sup>67</sup>
  - Workers of any immigration status can report wage theft, labor exploitation, or unsafe working conditions through the Complaint Processes for the New York State [Department of Labor](#) and New York City [Department of Consumer and Worker Protection](#).<sup>68</sup>

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<sup>67</sup> See p. 50 for a discussion of [state and city sanctuary laws](#).

<sup>68</sup> <https://dol.ny.gov/labor-standards-complaint-process>;  
<https://www.nyc.gov/site/dca/workers/workersrights/file-workplace-complaint.page>.



- 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](#).<sup>69</sup> 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.<sup>70</sup> 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.<sup>71</sup>
- 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.<sup>72</sup>
  - 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](#).<sup>73</sup> Many housing issues faced by immigrant tenants amount to discriminatory

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<sup>69</sup> <https://dhr.ny.gov/complaint>; <https://www.nyc.gov/site/cchr/about/report-discrimination.page>.

<sup>70</sup> *Sure-Tan, Inc. v. N.L.R.B.*, 467 U.S. 883 (1984)

<sup>71</sup> See p. 37, for discussion on the [employment of immigrants](#).

<sup>72</sup> <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>.

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



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.<sup>74</sup>
- Residents of New York City can [apply for IDNYC](#), regardless of immigration status.<sup>75</sup>
- 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.<sup>76</sup> Even if they do ask, a person always has the [right not to disclose](#) their own immigration status.<sup>77</sup> 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.<sup>78</sup>
- [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

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<sup>74</sup> <https://dmv.ny.gov/driver-license/driver-licenses-and-the-green-light-law>

<sup>75</sup> <https://www.nyc.gov/site/idnyc/index.page>

<sup>76</sup> See p. 50 for further discussion of [New York City and State's policy on immigration law enforcement](#).

<sup>77</sup> See p. 25 for further discussion of this [right](#).

<sup>78</sup> See p. 45 for availability of [humanitarian immigration benefits](#) for victims of crime.



eligibility for the services they are providing. City and state law also [generally prohibits the disclosure](#) of people’s immigration status.<sup>79</sup>

- 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.<sup>80</sup> The rule is notably inapplicable to most humanitarian petitioners like [asylum seekers](#) and 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.<sup>81</sup>
- Most, though not all, nonprofits (such as soup kitchens, public interest job training programs, and community clinics) will serve people regardless of immigration

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<sup>79</sup> See p. 50 for further discussion of [New York City and State law on the provision of social services to immigrants](#).

<sup>80</sup> <https://keepyourbenefits.org/en/na/resources>

<sup>81</sup> <https://empirejustice.org/wp-content/uploads/2020/05/Public-Benefits-Chart-June-2021-FINAL.pdf>



status. Organizations that do not inquire after service recipients' immigration status are the safest.



## IV. Harboring and Facilitation of Immigration Violations

It is illegal to ...

- Conceal, harbor, or shield from detection someone you **know or suspect** is undocumented.<sup>82</sup>

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.<sup>83</sup>

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.<sup>84</sup>

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

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<sup>82</sup> 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.”)

<sup>83</sup> 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.”

<sup>84</sup> 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.<sup>85</sup>
  - 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.<sup>86</sup>
- In practical terms, this means:
  - Refusing to open a door for an ICE agent without a warrant or remaining silent in the face of their interrogation is a protected constitutional right, even if there are undocumented people behind the door. However, lying and misdirecting the agent would be legally prohibited.
  - Exercising your First Amendment right to protest, film, or draw attention to an ICE operation is a protected constitutional right, as is asking the officers if their operation is supported by a warrant. However, physically obstructing an officer as they are making an arrest or giving noncitizens

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<sup>85</sup> 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."

<sup>86</sup> *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.")



direct instructions on how to evade law enforcement would be legally prohibited.

- 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 legal 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 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 a 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.<sup>87</sup> 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**.<sup>88</sup> However, the second Trump Administration has so far been willing to overturn decades of administrative precedents. These have

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<sup>87</sup> “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)

<sup>88</sup> <https://sanctuary.wordpress.amherst.edu/sanctuary-columns/kholding/>



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.<sup>89</sup>

- Trump ally and Texas Attorney General Ken Paxton has brought a [case against the Annunciation House](#), a Catholic migrant shelter in El Paso, Texas.<sup>90</sup> 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, 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.

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<sup>89</sup> <https://www.justsecurity.org/106723/sanctuary-policies-federalism-1324/>

<sup>90</sup> [texasribune.org/2025/01/13/texas-annunciation-house-migrant-shelter-paxton-lawsuit-supreme-court/](https://www.texastribune.org/2025/01/13/texas-annunciation-house-migrant-shelter-paxton-lawsuit-supreme-court/).



## V. Hiring of Immigrants

- Federal law prohibits employing a person whom the employer **knows** lacks work authorization.<sup>19</sup> Furthermore, employers must **complete an I-9** for the verification of each new employee’s work authorization. While not federally required, some states also **require employers to conduct an e-verify check** for employees.
- However, the federal rules 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.
- 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.<sup>91</sup>
  - 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.<sup>92</sup>
  - 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.<sup>93</sup>
  - Failure to complete an I-9 does not itself constitute a criminal violation. However, complying with the paperwork requirements in good faith provides a

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<sup>91</sup> “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).

<sup>92</sup> “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).

<sup>93</sup> 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.<sup>94</sup>

- 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.<sup>95</sup>

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.
- 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

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<sup>94</sup> “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).

<sup>95</sup> <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.<sup>96</sup> The congregation should consult an attorney if the congregation is interested in hosting an immigrant in this capacity.

## **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.<sup>97</sup> 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.

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<sup>96</sup> “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 \(a\)\(1\)\(C\)](#)

<sup>97</sup> 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>.



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.<sup>98</sup> Several groups sponsor trainings necessary to receive such accreditation, including:

- [New York Immigration Coalition](#)
- [Catholic Legal Immigration Network Inc. \(CLINIC\)](#)

#### **A. Undocumentation and Deportation**

- The most acute and actionable needs arise for immigrants who are currently facing deportation proceedings (“removal” proceedings). The government generally moves to deport undocumented people who were apprehended at the border, as well as noncitizens who are charged with crimes.
- However, not all undocumented people are in removal proceedings, nor is everyone in removal proceedings undocumented. Persons under deportation proceedings undocumented. There are roughly 12 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.”<sup>99</sup>
- People who are under removal proceedings can search their cases by typing in their A-number (“Alien Registration Number”) into the [EOIR Automated Case Information website](#).<sup>100</sup> 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](#).”<sup>101</sup> 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.<sup>102</sup>

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<sup>98</sup> <https://www.justice.gov/eoir/recognition-and-accreditation-program>

<sup>99</sup> <https://www.nycbar.org/get-legal-help/article/immigration-law/removal-proceedings/>

<sup>100</sup> <https://acis.eoir.justice.gov/en/>

<sup>101</sup> <https://help.asylumadvocacy.org/nta/>.

<sup>102</sup> <https://respondentaccess.eoir.justice.gov/en/forms/eoir33ic/>.



- 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](#).<sup>103</sup> Immigrants should also check the [asylum grant rate of the individual judges](#) they have been assigned.
- For serving community members currently in immigration detention during the pendency of their removal proceedings, see [Section VII, Community Response to ICE Arrests](#).
  - 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/>.
  - 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**

- The Refugee Convention and the Convention Against Torture prevents the United States from deporting individuals to locations at which they are likely to face persecution or torture. Being able to articulate a reasonable fear of persecution and torture is one of the most important sources of protection available to noncitizens who are detained by ICE or facing imminent deportation.
- For most people under removal proceedings, the main path for receiving relief from deportation and finding a path to citizenship is [applying for asylum](#) under the

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<sup>103</sup> [https://public.tableau.com/app/profile/jeffrey.obrien/viz/EOIR\\_Asylum/AsylumDashNew](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/>

Refugee Convention. 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.

- **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**.<sup>104</sup> However, people already under deportation proceedings should generally **apply for asylum**, since this risk is no longer a factor.<sup>105</sup> 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.<sup>106</sup>
- 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.<sup>107</sup>
- 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.<sup>108</sup>
- The Trump Administration made it **especially difficult** for noncitizens to seek asylum based on gang and domestic violence. Noncitizens who are not in removal proceedings should be extremely careful about submitting these kinds of asylum application.
- 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.

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<sup>104</sup> <https://immigrationequality.org/asylum/asylum-manual/affirmative-application-process/>

<sup>105</sup> <https://www.rifnyc.org/defensive-asylum>

<sup>106</sup> [immigrationequality.org/asylum/asylum-manual/immigration-basics-the-one-year-filing-deadline/](https://immigrationequality.org/asylum/asylum-manual/immigration-basics-the-one-year-filing-deadline/)

<sup>107</sup> <https://crsreports.congress.gov/product/pdf/IN/IN12318>.

<sup>108</sup> <https://theweek.com/articles/837512/complicated-history-asylum-america--explained>



As such, applicants have relief from deportation until their asylum claim is resolved and becomes 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.<sup>109</sup>
- 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.<sup>110</sup>
- Immigrants who are not in deportation proceedings can apply for asylum through USCIS.
- Asylum applicants also become eligible for New York State medicaid.<sup>111</sup>
- 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](#)).<sup>112</sup> Applicants without such cases (and who might not otherwise be placed into deportation track) do so through [USCIS](#).<sup>113</sup>
- Asylum applications must be filed within [one year of arrival](#) within the United States. However, extensions are available for people who can demonstrate

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<sup>109</sup><https://www.uscis.gov/sites/default/files/document/notices/Applicant-Caused-Delays-in-Adjudications-of-Asylum-Applications-and-Impact-on-Employment-Authorization.pdf>

<sup>110</sup> <https://otda.ny.gov/programs/temporary-assistance/>

<sup>111</sup><https://www.uscis.gov/sites/default/files/document/notices/Applicant-Caused-Delays-in-Adjudications-of-Asylum-Applications-and-Impact-on-Employment-Authorization.pdf>

<sup>112</sup> <https://acis.eoir.justice.gov/en/>

<sup>113</sup> <https://www.uscis.gov/i-589>



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.<sup>114</sup> 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.<sup>115</sup>
- 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 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.

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<sup>114</sup> [immigrationequality.org/asylum/asylum-manual/immigration-basics-the-one-year-filing-deadline/](https://immigrationequality.org/asylum/asylum-manual/immigration-basics-the-one-year-filing-deadline/)

<sup>115</sup> <https://immigrationequality.org/asylum/asylum-manual/immigration-basics-withholding-of-removal/>



### 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).<sup>116</sup> 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.<sup>117</sup>
  - 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 seeking a family court order finding that the non-accompanying parent has neglected them and declaring the accompanying parent their guardian.<sup>118</sup>
  - 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.

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<sup>116</sup> <https://www.safepassageproject.org/what-is-sijs-status/>.

<sup>117</sup> [https://www.safepassageproject.org/wp-content/uploads/2018/09/SAFE\\_PASSAGE\\_SIJS\\_MANUAL\\_SUMMER\\_2017\\_FINAL.pdf](https://www.safepassageproject.org/wp-content/uploads/2018/09/SAFE_PASSAGE_SIJS_MANUAL_SUMMER_2017_FINAL.pdf).

<sup>118</sup> <https://law.justia.com/cases/new-york/appellate-division-second-department/2014/2013-06146.html>.



- **Temporary Protected Status (TPS)** may be available to people whose country of origin is undergoing an acute humanitarian crisis.<sup>119</sup> As of January 2025, SIJS is eligible for people from El Salvador, Honduras, Ukraine, Nepal, 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. The Trump Administration has already moved to terminate TPS for nationals from Ethiopia, Haiti, Myanmar, South Sudan, Syria, and Venezuela, though these terminations remain stayed by court order as of March 2026. As of June 2026, Temporary protected status has been removed for nationals from Syria and Haiti.
  - 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**.<sup>120</sup> NYPD has a dedicated program for [certifying incidents](#).<sup>121</sup> 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](#).<sup>122</sup> Successful applicants receive a path to citizenship, and, unlike with the asylum

<sup>119</sup> <https://www.uscis.gov/humanitarian/temporary-protected-status>.

<sup>120</sup> [https://law.ucdavis.edu/sites/g/files/dgvnsk10866/files/media/documents/FAQ\\_U\\_Visas\\_for\\_Survivors\\_of\\_Crimes\\_FINAL\\_updated\\_08-02-2021.pdf](https://law.ucdavis.edu/sites/g/files/dgvnsk10866/files/media/documents/FAQ_U_Visas_for_Survivors_of_Crimes_FINAL_updated_08-02-2021.pdf).

<sup>121</sup> <https://www.nyc.gov/site/nypd/services/victim-services/u-visa-certification.page>.

<sup>122</sup> <https://www.uscis.gov/I-918>.



process, failed applications do not result in an automatic referral for deportation. However, there is a [lengthy backlog](#), currently running up about 8 years.<sup>123</sup>

- 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 citizenship under the [Violence Against Women Act \(VAWA\)](#).<sup>124</sup> 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.<sup>125</sup> Parolees are not unlawfully present in the United States. As such, they are not placed in deportation proceedings and can [apply for work authorization](#).<sup>126</sup> 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:

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<sup>123</sup> <https://egov.uscis.gov/processing-times/>.

<sup>124</sup> <https://www.ilrc.org/sites/default/files/2023-02/Who%20is%20Eligible%20for%20VAWA%3F.pdf>.

<sup>125</sup> <https://help.asylumadvocacy.org/parole-document-4/>.

<sup>126</sup> <https://www.uscis.gov/i-765>.



1. Permit people to register a mailing address “in care of” of your organization, regardless of and without inquiring into their immigration status.<sup>127</sup>
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 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](#).

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<sup>127</sup> 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>).



## VII. Community Response to ICE Arrests

Clergy and communities should also be prepared for the event that ICE arrests and detains one of their members.

Access to clergy and religious services—like access to lawyers—is a privileged legal right, making it especially valuable for engaged faith leaders to work or [volunteer in ministries](#) serving detained immigrants, who might otherwise have little access to information or support for seeking release.

Outlined here are some key steps to consider when supporting a community member in detention:

1. [Locating the member’s place of detention;](#)
2. [Helping secure legal representation;](#)
3. [Starting a community fundraiser to cover costs;](#)
4. [Supporting bail applications;](#)
5. [Exploring release through habeas corpus;](#)
6. [Seeking humanitarian parole;](#)
7. [Arranging visits;](#)
8. [Depositing money in detainee commissary funds.](#)

Additionally, the guide covers [readiness and emergency planning](#) in anticipation of ICE arresting certain at-risk members.

### **1. Locate the member using the ICE detainee locator.**

ICE operates a [website](#) through which you can identify a detainee’s location, based either on their A-number or biographical information.

<https://locator.ice.gov>

Once you’ve identified the location, search for the detention center in the [ICE facilities directory](#). The page for each site should outline access rules for lawyers, clergy, and other visitors, as well as instructions for how to send messages to detainees, post bonds, or deposit money into their commissary accounts.



(Access rules for ICE detention facilities are fragmented partly because most are run by private, for-profit prison companies. [More on this in future posts.](#))

## 2. Help secure legal representation.

Ideally, the community will have access to a lawyer who can either directly assist the detained member or make a referral.

However, finding lawyers servicing locations in which the member is being detained may be challenging, as ICE detention centers tend to be quite remote. Immigration Advocates Network hosts a [directory through which users can search for legal service providers that serve specific facilities.](#)

The offices of many elected representatives have dedicated caseworkers who can provide some legal support. Try reaching out to the offices of any pro-immigrant [Senator](#) or [House Representative](#), as well as [city- and state-](#) level elected, to seek assistance. Consider calling and writing to them with the following script:

My name is [name], a [position] at [community], a [congregation or organization type] of [number of people served] in your district. One of our members was taken by ICE on [date] while [occasion], and we would like immediate assistance. Please reach us at [contact].

New York residents can use the [mygovnyc.org website](http://mygovnyc.org) to identify all of their city, state, and federal representatives.

## 3. Start a community fundraiser and circulate offering plates for the member.

Supporting members in immigration detention can be an expensive undertaking that requires the community to pull together its resources. The fund could go to hiring a lawyer, posting bond, depositing money for the community member to use in the detention center commissary, or providing care after release. Consider using not just a [GoFundMe](#) but alternatives for nonprofit causes like [GiveButter](#) or [Chuffed](#).



#### 4. Help the member seek release on a bail bond.

- Most immigrants who entered the United States on a visa or a parole program and have no criminal records should be eligible to seek [release on a bail bond](#). If you can communicate with the detained member, tell them about this right.
- The [initial request for bond](#) should be made made to an ICE detention officer.
- If ICE denies bond or sets the amount too high, the detainee can request a [bond hearing](#) from an immigration judge. You can identify the immigration court and judge with jurisdiction a case by plugging in the noncitizen’s “A-Number” and country of origin on the Executive Office of Immigration Review [Automated Case Information website](#).
- Ideally, a lawyer can represent the detainee at the bond hearing. Many immigration lawyers will charge between \$1,000 to \$3,000 to draft and submit a bond request, as well as to represent the detainee at the hearing.
- Bond eligibility and amount are assessed based on whether the detainee poses a “flight risk” or “danger to the community.” Family and faith communities can often offer [compelling testimony about the member’s connection to the community and good moral character](#) as evidence against these risks, which can help secure release.
- The required bond amount can vary widely, from \$1,500 to \$25,000.

#### 5. Explore petitions for a writ of habeas corpus.

- If the government is detaining the member illegally, they may be eligible for release on a [writ of habeas corpus](#).
- For instance, the Trump Administration has directed Immigration and Customs Enforcement (“ICE”) and Immigration Courts to [deny bond to all undocumented immigrants who entered the country without visa or parole](#), including millions who have been living in this country for years without any criminal record. [This policy clearly violates the law, as confirmed by a vast majority of federal courts that have reviewed it in habeas proceedings.](#)<sup>1</sup> However, legal technicalities often require noncitizens detained and denied bond under this unlawful policy to file a writ of habeas corpus in federal courts, because administration employees who staff ICE and Immigration Courts will deny bond even to detainees who are legally entitled to it.



- Other noncitizens have secured release on habeas after ICE arbitrarily revoked their supervised release agreements during a check-in and re-arrested them, or when noncitizens were arrested in retaliation for exercising constitutionally protected right like free speech.
- The writ of habeas corpus must be filed with the federal court of the jurisdiction in which the member is currently being detained. (You can use the [ICE detainee locator](#) to identify where). If the arrest took place in a more immigrant-friendly jurisdiction like New York City, it can be helpful to move quickly to file *before* the detainee is transferred to much more hostile jurisdiction. Conversely, if the detainee has already been moved to Texas, Louisiana, or Mississippi, hiring a lawyer to file a habeas case may be less fruitful.
- The lawyer you hire to file the habeas petition should be admitted in the federal court of the jurisdiction where the detention center is located. Many federal litigators will charge between \$5,000 and \$10,000 to file a writ of habeas corpus on behalf of a detainee and represent them in subsequent proceedings.
- If it is impossible to retain a lawyer, the [detainee can attempt to make a “pro se” \(self-represented\) filing, and the family/faith community member may be able to file a “Next Friend” petition](#). If you need to do this, you should contact the clerk of the relevant federal district court or the offices of pro-immigrant elected representatives to [seek their assistance](#).

## 6. Consider applying for humanitarian parole.

Detainees with acute humanitarian needs like an urgent medical crisis may be eligible for release on [humanitarian parole](#). As with bond applications, humanitarian parole determinations involve questions about whether detainees might pose a flight risk or danger to the community—something families and faith leaders [can help vouch against](#).

## 7. Arrange for a visit

Visitation can be an invaluable source of both moral support and vital information for someone in immigration detention. Visits from clergy and friends who are American citizens may be the only friendly human contact many detainees have with the outside world, especially if their family members are undocumented or abroad.

Identify the facility at which the member is being held using the [ICE detainee locator](#), then check the visitation rules for the particular detention center on the [ICE website](#)



[directory](#). Typically, there are different rules for how lawyers, clergy, and family can visit, listed under “Hours of Visitation” tab.

## 8. Send Commissary funds

Conditions in ICE detention facilities are generally [inhumane, and many detainees are forced to purchase basic necessities like meals, soaps, and painkillers from the commissaries](#) operated by the for-profit prison companies which typically run the detention centers themselves. Instructions on how to deposit money into detainees’ commissary funds can be found on the page for the detention center on the [ICE website directory](#), typically under the “Sending Items to Detainees” tab.

## Emergency Planning

It may be helpful for communities to engage in emergency planning in anticipation of ICE detention, even before any arrests takes place. This can be particularly important for immigrants facing high arrest risks, like those [who were recently fingerprinted after a police arrest](#) or have immigration court hearings and ICE check-ins at [federal buildings in which ICE has been conducting a disproportionate number of arrests](#). In such circumstances, you should encourage the member to:

- Memorize at least one phone number—ideally of a lawyer who can represent them in immigration proceedings, but at least of a documented family member, friend, or faith leader who can help coordinate support. ICE typically confiscates personal phones, so being able to recall a phone number can be crucial for reaching the outside world.
- Download the [ReadyNow app](#), which helps noncitizens at the risk of ICE detention with emergency planning, including outreach to emergency contacts, connection to legal support, and advance instructions for childcare, finances, and personal safety.
- Make [child custody arrangements](#) as necessary, prioritizing the designation of emergency guardians.
- Consider getting in touch with a pro-immigrant elected representative, especially if the person at the risk of detention does not have legal representation. The noncitizen can also pre-fill a [privacy waiver](#) that authorizes caseworkers from the office to access any legal information that might be helpful.

American citizen clergy should also consider:



- [Accompanying immigrants to court](#) and ICE checkins.
- Registering themselves as a minister or chaplain at nearby ICE detention centers for conducting pastoral visits, even if none of their own members are currently detained. Catholic Prison Ministries coordinates [immigration detention ministries](#), and members of other faith traditions should consider starting similar programs within their own denominations.

## VIII. 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](#).<sup>128</sup>
  - **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 Mayor Mamdani could reverse or limit the scope of this decision. New York City Council or New York State government could also potentially reverse the Mayor and codify more lasting protections.

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

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<sup>128</sup> <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](#)<sup>129</sup>

- 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](#)<sup>130</sup>

- 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](#)<sup>131</sup>

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

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<sup>129</sup> <https://www.nyc.gov/assets/immigrants/downloads/pdf/eo-34.pdf>

<sup>130</sup> <https://www.nyc.gov/assets/immigrants/downloads/pdf/eo-41.pdf>.

<sup>131</sup> [https://iapps.courts.state.ny.us/nyscef/ViewDocument?docIndex=mMvltZFjq\\_PLUS\\_X/RU7jGZrf4Q==](https://iapps.courts.state.ny.us/nyscef/ViewDocument?docIndex=mMvltZFjq_PLUS_X/RU7jGZrf4Q==).



## 2. Acts of City Council

### [NYC Administrative Code § 10-178](#)<sup>132</sup>

- 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](#);<sup>133</sup> [14-154](#)<sup>134</sup>

- 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](#)<sup>135</sup>

- 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.

#### [New York Governor's Guidance on protection for undocumented workers who file labor complaints](#)<sup>136</sup>

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<sup>132</sup> <https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYCAadmin/0-0-0-6787>.

<sup>133</sup> <https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYCAadmin/0-0-0-5445>.

<sup>134</sup> <https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYCAadmin/0-0-0-25183>.

<sup>135</sup> [https://www.governor.ny.gov/sites/default/files/atoms/files/EO\\_%23\\_170.pdf](https://www.governor.ny.gov/sites/default/files/atoms/files/EO_%23_170.pdf)

<sup>136</sup> <https://www.governor.ny.gov/news/governor-hochul-announces-implementation-federal-measures-protect-undocumented-workers-during>.



- 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<sup>137</sup>

- 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 General<sup>138</sup>

- 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”)<sup>139</sup>

- Permits New York state residents to apply for and receive a driver’s license regardless of immigration status.
- 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).<sup>140</sup>

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<sup>137</sup><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>.

<sup>138</sup> [https://www.nyclu.org/uploads/2018/11/people\\_ex\\_rel\\_wells\\_francisvdemarco.pdf](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>.

<sup>139</sup> <https://www.nysenate.gov/legislation/bills/2019/S1747>

<sup>140</sup> <https://www.nysenate.gov/legislation/laws/VAT/-CH71>.



- ❖ 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. 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.<sup>141</sup> The Second Circuit Court of Appeals, in which New York is located, [upheld the first Trump Administration’s anti-sanctuary policies](#).<sup>142</sup>

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.<sup>143</sup> 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](#).

## IX. 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

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<sup>141</sup> [https://en.wikipedia.org/wiki/Executive\\_Order\\_13768](https://en.wikipedia.org/wiki/Executive_Order_13768).

<sup>142</sup> <https://casetext.com/case/new-york-v-us-dept-of-justice>.

<sup>143</sup> [whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/](https://whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/).



codify into state law various sanctuary commitments—including a prohibition on the use of state resources and law enforcement for immigration enforcement.<sup>144</sup>

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.<sup>145</sup>

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 inflect many individuals' attitude towards federal politics.

- Begin by identifying your local elected representatives for your community. You can enter your address into websites like [mygovnyc.org/](https://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

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<sup>144</sup><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/>.

<sup>145</sup> <https://www.nyc.org/get-involved/>



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.

Here's a potential script for a call or a letter:

[Elected Representative]

Hello,

My name is [name], a [position] at [community], a [congregation/organization type] of [number of people served] in your district.

I am [calling/writing] on behalf of the [name] Community to seek a meeting with you to learn more about the work you have been doing to protect our immigrant neighbors and communities, as well as to represent our values as your district's constituents: fighting for the rights and dignity of all human beings, regardless of their parentage or place of birth. We would also appreciate your support and advice on how we as a community can better mobilize to achieve these goals at the federal, state, and city level, as well as within our own communities!

[Any specific issues or bills you'd like to highlight]

We as a community are working hard to have our own voices heard, both in supporting laws that will advance the rights and welfare of all human beings and in discerning how we can better mobilize to support leaders who will stand up for our immigrant neighbors in the upcoming primaries and elections. Please don't hesitate to let us know how we can support you in this regard!

Thank you so much for your continued work in public service of representing us and our values, and we are praying that we can all find safety and courage in each other during these trying times.

Please let us know when we can meet with you.

- **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>
- 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**.<sup>146</sup>
- 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](#).

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<sup>146</sup> <https://apnews.com/article/what-is-laken-riley-act-trump-immigration-2667d626139ddf5a16d1533516eab18f>.

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