

Will ICE agents continue to avoid enforcing deportation orders in churches?

## **The "sensitive locations" policy is in question with undocumented people in hospitals. What about in congregations providing sanctuary?**

by [Yonat Shimron](#) in the [January 17, 2018](#) issue



Eliseo Jimenez (center top) and his family at Umstead Park United Church of Christ in Raleigh, North Carolina. RNS photo by Yonat Shimron.

Eliseo Jimenez had run out of time. Jimenez, 39, emigrated from Mexico 22 years ago and worked in North Carolina's tobacco fields and in construction. He reported yearly to U.S. Immigration and Customs Enforcement in Charlotte for the past five years and received a work permit. This past summer, the federal agency refused to extend his permit and ordered him to leave the country by July 31.

Instead he moved into Umstead Park United Church of Christ in Raleigh.

"It's a spiritual act, but it has political implications," said Doug Long, pastor of the 300-member congregation.

Across the nation, 32 congregations—most of them Protestant churches—are housing people at risk of deportation, according to Church World Service, which is tracking the development. It is the highest level of faith-based resistance to immigration policy since the 1980s, when hundreds of churches and synagogues extended sanctuary to people fleeing civil wars in El Salvador and Guatemala.

The movement is testing how far the Trump administration is willing to take its tough line on immigration. Will law enforcement be sent into houses of worship against the will of congregants?

Most churches that become sanctuary congregations spend months debating whether to do it. At Umstead Park UCC, the church formed a ten-member committee to study the issue in July. It researched a host of legal issues and met with a congregation 76 miles away in Greensboro that had already extended sanctuary to an undocumented person.

Members grappled with tough questions: Can we do something of this magnitude? Would we jeopardize our 501(c)(3) tax status? Could our pastor get arrested?

On the last Sunday in September, members voted in a secret ballot, 89-5, to invite an undocumented person needing sanctuary.

The congregation then called on a local advocacy organization for referrals for someone who might present a judge with a compelling case.

Jimenez had a lawyer and a legal strategy dating back to 2007, when he was pulled over for a broken taillight and arrested under a program that allows sheriff's deputies to identify undocumented immigrants and hand them over to ICE. While in detention in Georgia he was forced to sign his own deportation order. His lawyer maintains this was a violation of his Fourth Amendment due-process rights.

After spending a month in Mexico, Jimenez returned to the United States. His only other arrest came in 2013, when the police picked him up for driving what they claimed was a stolen vehicle. It turned out the vehicle belonged to his roommate and, after Jimenez spent a prolonged time in jail, the district attorney dismissed the charges.

Since moving into a youth activity room that the church turned into a bedroom, Jimenez has busied himself with various handyman tasks around the building.

Like millions of other undocumented immigrants, Jimenez wants to stay in the United States to give his children a better life. His youngest children are four and five years old.

“There are not too many churches in North Carolina that can offer sanctuary to people like me,” Jimenez said. “Some churches are afraid of legal issues. If more people know there are places like this church that can help us, it will be beneficial for everybody, especially for the kids.”

Becoming a sanctuary church requires daily oversight and a fleet of volunteers. The church requires a volunteer, called a host, to sit in the church lobby 24/7, so that if immigration officers come knocking, the person in sanctuary is not the one answering the door.

In addition to its own members, Umstead Park reached out to five local congregations, including a synagogue, to help provide hosts and other volunteers. Hosts must pass a background check and attend training. If an ICE officer shows up at the door, the host asks to see a warrant signed by a judge. If an arrest is made, they document it, preferably with their phone’s video camera.

“We’ve trained them to mentally rehearse what that would look like and how to interact in a nonthreatening way,” said Bridget Blinn-Spears, a church member and an employment lawyer who leads the training. “They’re really there to be a witness. They’ve thought about how to stay calm and respectful.”

Members say it hasn’t been a burden.

“It has added energy to the church,” said Tricia Andrews, who volunteers as a host. “I’m really proud we’re doing this.”

The church is also sustaining a publicity campaign on behalf of Jimenez in the media and among elected officials.

“We’re trying to get that story in front of people who have policy-making influence,” Blinn-Spears said. “None of these cases are sure things, and they’re very hard to win, regardless.”

Across the United States, at least three people had their deportation orders rescinded and were able to leave the churches where they took refuge.

Umstead Park does not believe it is breaking the law in offering sanctuary. Some lawyers might disagree. But a few things are clear: federal law doesn't recognize the concept of sanctuary in a place of worship. But churches, schools, and hospitals are considered "sensitive locations," meaning that federal immigration enforcement officers will avoid arresting, searching, or interviewing people there under most circumstances.

To avoid the perception that it was hiding Jimenez, the church held a news conference on October 9, the day he entered sanctuary. It also informed ICE of his whereabouts.

The church hasn't had any problems with law enforcement, though a zoning officer did inquire about the church providing a residential living space. (An obscure zoning rule allows churches to provide temporary accommodations.)

In recent months, the Trump administration has begun testing the "sensitive locations" policy, at least as it applies to hospitals. In November, a ten-year-old undocumented girl who was traveling by ambulance to a hospital in Texas was stopped by Border Patrol agents who trailed her to the hospital, guarded her during gallbladder surgery, and took her into custody. She was released ten days later after a national outcry.

"We are hoping and praying that the administration continues to respect churches' ability to offer sanctuary," Blinn-Spears said. "If they don't, we're prepared to be the first church where they decide not to." —Religion News Service

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