

Sanctuary churches say fines against immigrants meant to sow fear

## **People living in sanctuary to escape deportation have received fines of up to half a million dollars.**

by [Yonat Shimron](#) in the [July 31, 2019](#) issue

About a dozen people taking refuge in sanctuary churches across the country received a letter from Immigration and Customs Enforcement in early July, informing them they owe hundreds of thousands of dollars in civil penalties for disobeying orders to leave the country.

Among them was Rosa del Carmen Ortiz Cruz, a 38-year-old mother of four living at a Presbyterian church in Chapel Hill, North Carolina, who was told she owes more than \$300,000 for overstaying her deportation order. Her lawyers at McKinney Immigration Law in Greensboro, North Carolina, received a similar letter.

Ortiz Cruz fled Honduras for the United States in 2002, after her domestic partner, the father of her son, stabbed her multiple times. The Church of Reconciliation and the Chapel Hill Mennonite Fellowship offered her refuge from immediate deportation last year because she is afraid to return to Honduras, where her ex-partner lives.

Noel Andersen, grassroots coordinator with Church World Service, which helps organize the sanctuary movement, sees the fine letters as going “along with the extremely cruel and unusual tactics to create fear,” he said. “Clearly it’s an attack on the sanctuary movement.”

Nationwide, there are 44 undocumented immigrants who have publicly announced they are taking refuge in congregations, Andersen said. It’s unclear why fewer than one-third were targeted with fines.

Andersen expected the fines would be challenged because they appear to selectively target undocumented immigrants in sanctuary churches.

“It’s pretty clear that this is an attack on our faith,” he said.

Among those targeted was Edith Espinal, a Mexican national who took sanctuary at Columbus Mennonite Church in Ohio. She received notice of a fine of \$497,777. Others receiving letters about fines are living in churches in Colorado, Utah, Texas, Virginia, and Washington State, Andersen said.

An ICE spokesman would not say how many Notice of Intention to Fine letters were mailed, but he said the practice began in December and is authorized by the Immigration and Nationality Act of 1965.

“The decision to issue a[n] NIF is determined on a case-by-case basis, taking into account steps the alien has taken to faithfully meet the obligation of their removal order or voluntary departure,” said Matthew Bourke, the ICE spokesman.

Bourke said statutes set two classes of fines. Those who have “failed to meet the obligations of their removal” are fined at no more than \$500 per day; in Ortez Cruz’s case, the inflation-adjusted amount totals \$799 a day. Immigrants who have failed to voluntarily depart are fined \$3,000, according to the statute, he said.

Most of the people living in sanctuary have few, if any, financial means and are unable to work beyond the tasks they can perform for their hosts.

Those receiving the fines were given 30 days to respond.

Ortez Cruz’s attorney said he was puzzled by the fine since his client’s case is already pending in the Fourth US Circuit Court of Appeals. A decision is expected late this year or early next. His firm plans to challenge the fine.

“I have been practicing immigration law since 1997 and I’ve never seen this,” Jeremy McKinney said. “It seems unprecedented. Right off the bat it seems there was a lack of notice that this fine could be assessed. At no point did ICE or the immigration judge provide any kind of notice that this could be a consequence for failure to depart.”

The fines come amid mounting concern about the Trump administration’s hard-line immigration policies. On July 2, a report from the Homeland Security Department’s inspector general said detention centers along the southern border were overcrowded and squalid—conditions it likened to “a ticking time bomb.”

Sanctuary advocates see the fines as more directly aimed at curbing the sanctuary movement. Churches—along with schools and hospitals—have been considered

“sensitive locations” where federal immigration enforcement officers are unlikely to arrest, search, or interview people under most circumstances. At least one pastor wondered whether the imposition of fines was the first sign of a coming change in policy.

“I am a bit concerned that ICE might be setting the stage to rescind sensitive-location policies,” said Randall Keeney, vicar at St. Barnabas Episcopal Church in Greensboro.

The principal effect of the fines may be to scare religious congregations into not sheltering immigrants, especially if they fear the government might fine them for doing so.

Isaac Villegas, pastor of Chapel Hill Mennonite Fellowship, said his church wouldn’t take the bait.

“We understood from the beginning that the federal government does not approve of us taking care of our people,” Villegas said. “We’re on different sides of history on that matter. We know they’ll do whatever they can to intimidate us.”

The prior week, a sanctuary church in New Mexico saw the person residing there released to return home. Kadhim Al-bumohammed, a 66-year-old Muslim refugee from Iraq, had spent two years inside First Congregational United Church of Christ in Albuquerque before a US Department of Justice immigration appeals panel removed his deportation order on June 26.

Al-bumohammed came to the US in 1994 as a refugee, fearing retaliation for his support of the United States during the first Gulf War. He then worked for five years at the National Training Center at Fort Irwin, California, where he offered cultural and linguistic training to soldiers deploying to Iraq.

Two years after arriving in the United States, Al-bumohammed was convicted and served a sentence on two counts of misdemeanor domestic violence charges in California. This led to an order of deportation, though he was simply required to check in with authorities annually. In 2017 Iraq agreed to take deported Iraqis in exchange for not being included in the White House’s controversial travel ban.

Al-bumohammed was one of an estimated 1,400 Iraqi nationals facing deportation under the agreement, according to the ACLU, which filed a class-action lawsuit to

halt the proceedings. —Religion News Service

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