

Faith groups claim legal victories on refugees, ICE raids at houses of worship

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February 26, 2025



Martin Bernstein, 95, whose parents were refugees, at center, holds a sign as people gather outside the US District Court after a federal judge blocked President Donald Trump's effort to halt the nation's refugee admissions system, February 25, in Seattle. (AP Photo/Ryan Sun)

Religious groups challenging President Donald Trump won a pair of legal victories this week, blocking the administration's efforts to dismantle the refugee program and reinstating sensitive-location protections from immigration enforcement in some houses of worship.

On Tuesday, a federal judge in Washington state sided with the plaintiffs—which included Church World Service, HIAS, and Lutheran Community Services Northwest, as well as individual refugees and family members—blocking the president’s January 20 [executive order](#) to suspend the refugee program.

In his ruling from the bench, US District Judge Jamal Whitehead [said](#) the president’s actions amounted to a “nullification of congressional will,” arguing the president does not have “limitless” authority over refugee admissions.

Mark Hetfield, president of HIAS, a Jewish refugee resettlement agency, said that unlike when Trump suspended new refugee admissions during his first term, his latest actions began to dismantle the program by abruptly cutting off funding for critical infrastructure. The funding freeze also resulted in [widespread furloughs and layoffs](#) within HIAS and other religious organizations that partner with the federal government to resettle refugees.

Whitehead’s ruling [will block the president’s suspension and allow entrance into the US](#)—at least for now—of refugees who had been approved to enter the country but were unable to after Trump’s executive order. This includes more than 600 refugees HIAS had been working with who, Hetfield said, had been left in a limbo.

Hetfield also celebrated US District Court Judge Amir H. Ali’s [enforcement](#) earlier Tuesday of his previous temporary restraining order that required the Trump administration to restore funding to the US Agency for International Development and nonprofit partners, such as HIAS.

“That ruling and this ruling gives us hope that you still have the rule of law in this country, and that the president is not above the law,” Hetfield said.

He added: “The courts are still working in this country. Thank God.”

Danilo Zak, director of policy at Church World Service, cautioned in an interview with RNS that “it remains really difficult for us to understand what this will mean” until a written ruling from the judge is issued.

Still, Zak said, “we’re hopeful to see refugee resettlement resume and funds get reimbursed,” noting refugees resettled by CWS in the U.S. are facing homelessness without the federal funds promised to provide them housing in their first months in the country.

Matt Misterek, communications director at Lutheran Community Services Northwest, said his group was also “very happy” about the ruling but said he expected the Trump administration would appeal.

“There’s no guarantee the president is going to start refunding this program,” he said, noting evidence that the administration has bucked other recent court orders.

Meanwhile, a small number of faith groups received a preliminary injunction Monday restricting immigration raids at their houses of worship, actions that were allowed after the Trump administration rescinded an internal “sensitive locations” policy that discouraged immigration enforcement at locations such as churches, hospitals, and schools. The injunction only applies to the plaintiffs’ houses of worship, not all houses of worship nationwide.

A collection of Quaker groups, the Cooperative Baptist Fellowship network and a large Sikh temple in Sacramento, California, sued the Department of Homeland Security and its Cabinet secretary, Kristi Noem, last month over that policy change removing restrictions on immigration enforcement at houses of worship. The groups asked the court to declare the new policy—which leaves such raids up to the law enforcement officer’s “discretion”—to be an unconstitutional burden on their religious exercise.

The plaintiffs [argued](#) the heightened possibility of US Immigration and Customs Enforcement raids at their houses of worship had impacted attendance at services, even for immigrants with legal status and US citizens, because of a history of ICE arrests and deportations of those groups.

In the weeks since Trump took office, in several high-profile cases, US citizens who are Latino or Native American have been [detained and questioned](#), as have [immigrants](#) with legal status.

Noting that one CBF congregation had reported a 66 percent decline in attendance at its English-language class, in addition to widespread losses in attendance for many of the plaintiffs, US District Judge Theodore Chuang wrote that “a reduction in attendance at religious services and activities constitutes a concrete injury in fact.”

In their complaint, Quakers noted their commitments to peace and nonviolence and wrote that the threat of armed immigration officers entering their spaces would impact all members’ ability to exercise their faith. “The presence of a weapon in a

Quaker meeting would be absolutely unacceptable,” the complaint notes.

Chuang, appointed to the District of Maryland by former President Barack Obama, wrote that the court doesn’t question “that law enforcement, when necessary, must have the ability to conduct operations in or near places of worship,” but that, in DHS’ new policy, “the lack of any meaningful limitations or safeguards on such activity likely does not satisfy these constitutional and statutory requirements.”

For Juan García, pastor of the Hispanic congregation of First Baptist Church in Newport News, Virginia, Monday’s temporary injunction “means some fresh air to breathe” and relief from pressure.

“There has been fear and anxiety among our church and not only immigrants that may be undocumented,” the Puerto Rican pastor said, but also for US citizens like himself. “ We might be interrupted in our worship service any minute,” García said, noting this fear of immigration enforcement has also created anxiety around new visitors.

“It is not our job” to check people’s immigration status, García said. “ There are people who need God. There are people who love God. There are people who are loved by God, so we just minister to them.”

García’s church is part of the Cooperative Baptist Fellowship, a network of 1,800 Baptist congregations that formed in 1991 after breaking with the Southern Baptist Convention. The CBF’s governing board, which García leads as moderator, voted unanimously to join the lawsuit.

Paul Baxley, executive coordinator of the Cooperative Baptist Fellowship, said that the CBF leadership is working with congregations to help them identify themselves clearly as part of CBF in order to make clear to immigration enforcement that they are protected by the injunction.

“ When people are scared to come to church, when people cannot respond to the invitation to sit at the Lord’s table that comes from Christ himself, when people are not going to come and receive food and clothing and shelter, we felt compelled to move the path that would allow transformation as soon as possible,” Baxley said.

Amar Shergill, a board member at Gurdwara Sahib West Sacramento, celebrated the ruling in a press statement.

“The Court has taken an important first step today to protect freedom of religion for Sikhs and all people of faith to worship without the threat of arbitrary immigration enforcement and surveillance,” Shergill said. “We stand with Democracy Forward and all of our allies in faith working toward a final determination that our Sangat and congregations across the nation may exercise their first amendment rights as intended by the founders of this great nation.”

The Quaker-led lawsuit is one of [two](#) filed by faith groups in recent weeks regarding the sensitive-locations memo. Earlier this month, a separate group of 27 religious denominations and associations—including the Episcopal Church, the African Methodist Episcopal Zion Church, the Union for Reform Judaism and others—filed a similar suit, and filed [a memorandum](#) in the case last week supporting the request for a preliminary injunction with additional declarations from plaintiffs.

In addition, the US Conference of Catholic Bishops recently filed a more narrow lawsuit regarding the freezing of funds for members of the group of faith-based organizations involved in refugee resettlement. On Monday, that lawsuit was referred to mediation, [according to the National Catholic Reporter](#).

Baxley noted that while CBF congregations are diverse theologically and politically, “anyone in our fellowship has come into a community founded on commitment to religious liberty and through our global missions has supported ministry among immigrants and refugees.”

“For us, this is not a political game. It is a witness of faith,” said Baxley. “We have a shared sense of calling. And I think that’s both an affirmation that, for us, the lordship of Christ is above all those other things, and a witness that there’s still places in this country where people who don’t agree on everything work together for the common good.” —Religion News Service