OREGON FOR ALL

SAFEGUARDING OREGON'S PLACES OF WORSHIP:

A Toolkit to Protect Sacred Spaces Threatened with Immigration Enforcement

INNOVATION LAW LAB

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Safeguarding Oregon's Places of Worship:

A Toolkit to Protect Sacred Spaces Threatened with Immigration Enforcement

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I. Introduction

Oregon's places of worship are vital spaces where community members come together to share in one another's most deeply held beliefs. Many of these houses of worship strive to welcome all people—no matter their immigration status—embracing diversity as a source of strength and hope rather than division. Indeed, the practice of offering sanctuary to newcomers is a deeply rooted tradition in many faith communities.[1]

Unfortunately, the Trump Administration's hostile immigration enforcement agenda has jeopardized this tradition. Since January 2025, the Trump Administration has aggressively pursued measures to terrorize, imprison, and deport immigrant members of our community. As part of this agenda, the Administration has made immigration arrests at sensitive locations, including schools, homeless shelters, health care facilities, and places of worship[2] — rescinding three decades of protections against immigration enforcement in sacred spaces.[3] This move—which is the subject of ongoing legal action[4]— has left many community members afraid to access essential services. Immigrants and people racialized as immigrants must now wonder whether leaving their home to go to school, to the doctor's office, or to their place of worship will result in a potentially dangerous interaction with masked individuals who may

[1] *See generally* Valerie J. Munson, *On Holy Ground: Church Sanctuary in the Trump Era*, 47 Sw. L. Rev. 49, 51–53 (2017); Bill Chappell, Churches Have a Long History of Being Safe havens — for Immigrants and Others, NPR (Jan. 26, 2025), https://www.npr.org/2025/01/26/nx-s1-5273652/church-safe-haven-history-immigrants.

[2] *See, e.g.*, Claire Withycombe, *An 'Atmosphere of Fear' Surrounds Child Care after ICE Detention*, Seattle Times (Dec. 2, 2025), https://archive.ph/spCJY#selection-2179.5-2179.69; Nick Sullivan, *Church Members Flee as Federal Agents Arrive at East Charlotte Place of Worship,* The Charlotte Observer (Nov. 17, 2025), https://www.charlotteobserver.com/news/politics-government/article312932422.html#storylink=cpy; Claudia Boyd-Barrett, *Immigration Agents Are Raiding California Hospitals and Clinics. Can a New State Law Prevent That?*, LA Times (Oct. 29, 2025), https://www.latimes.com/california/story/2025-10-29/california-health-facilities-immigration-raids-pushback; Jermont Terry, *Church Leaders Say They Were Never Contacted before ICE Agents Arrested 4 People Outside Bronzeville Shelter*, CBS News (Oct. 1, 2025), https://www.cbsnews.com/chicago/news/bronzeville-ice-activity/; Conrad Wilson & Holly Bartholomew, *'Daddy, Police!': New Video Shows Masked ICE Agents Arrest Father Outside Child's School in Beaverton*, OPB (July 21, 2025), https://www.opb.org/article/2025/07/21/new-video-ice-agents-arrest-father-beaverton-preschool/; Celine Stevens, *Vineyard Business Owner Detained by ICE outside Oregon Church amid Heightened Immigration Enforcement*, KGW8 (Jun. 15, 2025), https://www.kgw.com/article/news/politics/national-politics/oregon-man-newberg-ice-detained-moises-sotelo-casas/283-49b5d305-0641-423e-b6ed-dc0b790b851a; Jesus Jiménez and Emily Baumgaertner Nunn, *Church Leaders Shaken After a Man Was Detained in Their Parking Lot*, NYTimes (Jun. 11, 2025), https://www.nytimes.com/2025/06/11/us/la-protests-ice-raids-church-arrest.html.

[3] *See* Dep't of Homeland Security, *Enforcement Action in or near Protected Areas* (Jan. 20, 2025), https://www.dhs.gov/sites/default/files/2025-03/25_0120_S1_enforcement-actions-in-near-protected-areas.pdf; DHS, *Statement from a DHS Spokesperson on Directives Expanding Law Enforcement and Ending the Abuse of Humanitarian Parole* (Jan. 21, 2025), https://www.dhs.gov/news/2025/01/21/statement-dhs-spokesperson-directives-expanding-law-enforcement-and-ending-abuse.

[4] *New England Synod, Evangelical Lutheran Church v. DHS*, No. 25-cv-40102 (D. Mass. Filed July 28, 2025), https://www.courtlistener.com/docket/70939776/new-england-synod-evangelical-lutheran-church-in-america-v-department-of/

seize them, separate them from their loved ones, and disappear them to faraway places.[5]

Fortunately, Oregon's faith communities can take steps now to prepare for potential immigration enforcement, thus making places of worship more accessible for immigrants and their loved ones. This toolkit offers a starting point to help Oregon places of worship strengthen their policies and practices so that all Oregonians can participate as fully as possible in spiritual life.

This toolkit provides general information relevant to Oregon places of worship. It does not provide legal advice. Places of worship should consult with counsel as they develop policies and guidance for responding to immigration enforcement.

II. Immigration Enforcement in Places of Worship

For the past three decades, immigration officials operated under official guidance that restricted immigration enforcement in or near areas where people access essential services, including "places of worship and religious study" or places "where a funeral, graveside ceremony, rosary, wedding, or other religious or civil ceremonies or observances occur."[6] The Department of Homeland Security ("DHS"), however, has rescinded the guidance that protected these spaces, which means that immigration enforcement may now occur at or near places of worship and other sacred spaces.[7]

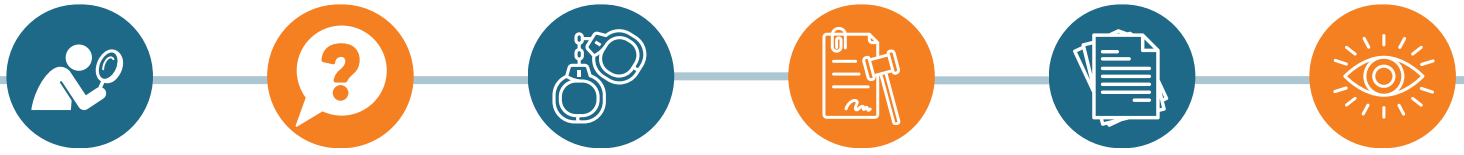
Pineros y Campesinos Unidos Del Noreste v. Noem, No. 25-cv-00699-AA (D. Or. filed Apr. 28, 2025), https://www.courtlistener.com/docket/69952662/pineros-y-campesinos-unidos-del-noreste-v-noem/; *Mennonite Church USA v. U.S. Dep't Homeland Security*, No. 1:25-cv-00403, (D.D.C. filed Feb. 11., 2025), https://www.courtlistener.com/docket/69628285/mennonite-church-usa-v-us-department-of-homeland-security/; *Philadelphia Yearly Meeting of the Religious Society of Friends v. U.S. Dep't Homeland Security*, No. 8:25-cv-00243-TDC (D. Md. filed Jan, 27, 2025), https://www.courtlistener.com/docket/69580474/philadelphia-yearly-meeting-of-the-religious-society-of-friends-v-us/.

[5] *See, e.g.*, Yesenia Amaro, *ICE in Oregon: Pointing Rifles at Family, Stopping Teens at Gunpoint, Pinning Man during Arrest*, The Oregonian (Nov. 4, 2025), https://www.oregonlive.com/politics/2025/10/ice-in-oregon-pointing-rifles-at-family-stopping-minors-at-gunpoint-laying-on-top-of-man-during-arrest.html; Leila Fadel, Adam Bearne, Barry Gordemer & H.J. Mai, *Masked Immigration Agents Are Spurring Fear and Confusion across the U.S.*, OPB (July 10, 2025), https://www.opb.org/article/2025/07/10/masked-and-unmarked-the-quiet-rise-of-concealed-immigration-raids/; Sergio Martínez-Beltrán, *Venezuelan Men Allege Mistreatment while in Detention in Guantánamo Bay* (Feb. 25, 2025), https://www.npr.org/2025/02/25/nx-s1-5306433/guantanamo-detainee-speaks-venezuela-trump-immigration-abuse; Annie Correal, *Inside the 'Tropical Gulag' in El Salvador Where U.S. Detainees Are Being Held*, NYTimes (Apr. 18, 2025). https://www.nytimes.com/2025/04/18/world/americas/bukele-abrego-garcia-elsalvador-prison.html.

[6] *See* DHS, *Guidelines for Enforcement Activities in or near Protected Areas* 2 (Oct. 27, 2021), https://web.archive.org/web/20250123181221/https://www.dhs.gov/sites/default/files/publications/21_1027_opa_guidelines-enforcement-actions-in-near-protected-areas.pdf.

[7] *See* DHS, *Enforcement Action in or near Protected Areas* (Jan. 20, 2025), https://www.dhs.gov/sites/default/files/2025-03/25_0120_S1_enforcement-actions-in-near-protected-areas.pdf.

Unencumbered by safeguards against enforcement, immigration officials, including officials working for either Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP), may now appear at a place of worship to engage in any of the following activities:



Looking for evidence

Questioning staff, patients, and other visitors

Making arrests

Issuing administrative subpoenas

Serving charging documents

General surveillance

While places of worship cannot entirely prevent immigration enforcement, they cannot be forced to help enforce immigration law. Further, they can adopt policies that promote a safer, more welcoming environment for immigrant members of our community.

III. Safeguarding Places of Worship

a) Protecting Physical Spaces

Although places of worship may not be able to entirely prevent immigration enforcement from happening on the premises, they can establish policies to limit it. **Most notably, places of worship can exclude immigration officials from non-public spaces, unless officials present a valid judicial warrant.**

Under the Fourth Amendment of the United States Constitution,[8] immigration officials generally may not enter spaces where an individual has a "reasonable expectation of privacy" unless they have (1) a valid judicial warrant or (2) consent.[9]

[8] The Fourth Amendment protects all persons, regardless of immigration status, from unreasonable searches and seizures. U.S. Const. amend. IV. ("The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated."); *see, e.g., Almeida-Sanchez v. United States*, 413 U.S. 266, 273 (1973) (finding that search of Mexican citizen violated his Fourth Amendment rights).
[9] *Katz v. United States*, 389 U.S. 347, 360 (1967) (Harlan, J., concurring); *Kentucky v. King*, 563 U.S. 452, 459-63 (2011) (discussing various exceptions to the warrant requirement).

Similarly, under Article 1, section 9 of the Oregon Constitution, government officials cannot generally enter private spaces unless they have a warrant or an exception to the warrant requirement (e.g. consent).[10] In other words, without a warrant or the consent of a person who appears to have authority over the place of worship, immigration officials cannot generally enter spaces with restricted access, such as administrative offices, meeting rooms, storage rooms, audio/visual control rooms, residences, etc. They could, however, enter spaces that are open to anyone, which may include entryways, prayer halls, sanctuaries, open chapels, etc. **In short, places of worship have the right to require officials to present a valid judicial warrant before entering non-public spaces.**[11]

NOTE:

Officials may enter non-public spaces without a warrant and without consent when there are **"exigent circumstances."** This is a rare exception to the general rule requiring a warrant, and it only justifies warrantless entry when there is an emergency—for instance, if officials are in hot pursuit of a fleeing felon[12] or evidence of a crime is being imminently destroyed.[13]

To safeguard physical spaces to minimize the threat of immigration enforcement, places of worship can take the following steps:

Identify Public and Private Areas

- Conduct **a walkthrough of all physical facilities that make up the place of worship,** ideally with an attorney, to identify which areas are open to the general public and which are open only to authorized persons, such as staff and registered visitors.
- After the walkthrough, **develop a written policy** specifying which areas of the facility are open to the public and which are open only to authorized persons.

[10] *State v. Paulson*, 313 Or. 346, 351, 833 P.2d 1278, 1281 (1992); *State v. Zamora*, 237 Or. App. 514, 518, 240 P.3d 91, 94 (2010).
[11] *See, e,g., Marshall v. Barlow's, Inc.*, 436 U.S. 307, 311 (1978) ("The Warrant Clause of the Fourth Amendment protects commercial buildings as well as private homes."); *see also* 8 C.F.R. § 287.8(f)(2) ("An immigration officer may not enter into the non-public areas of a business, a residence including the curtilage of such residence, or a farm or other outdoor agricultural operation, except as provided in section 287(a)(3) of the Act, for the purpose of questioning the occupants or employees concerning their right to be or remain in the United States unless the officer has either a warrant or the consent of the owner or other person in control of the site to be inspected.").
[12] *E.g., United States v. Santana*, 427 U.S. 38, 42–43 (1976).
[13] *Schmerber v. California*, 384 U.S. 757, 770–71 (1966).

- To the extent feasible, **minimize the number and size of spaces** that are open to the public.

- Use **signs and physical barriers** to clearly differentiate spaces that are open to the public from non-public spaces.

- Consider establishing a policy **requiring all visitors to check in** at a designated place before they can access the facility. Such policies can be tailored to meet the unique needs of each faith community. For instance, a visitor registration policy could apply only during certain hours. A place of worship might be open to all without need to check-in at a designated location while religious services are being offered, but visitors might be required to register at a check-in desk at times when no programming is being offered. This compromise can help make sacred spaces more accessible to those who do not feel safe attending large, public events.

Establish Policies and Protocols for ICE Encounters

- Adopt a **protocol** for responding to immigration officials who appear at the place of worship.

- Establish **policy statements** that religious leaders, staff, and trained volunteers can easily print and share with immigration enforcement officials. For example: "It is the policy of this place of worship to require all law enforcement officials to present a judicial warrant before they may enter any non-public spaces inside the facility."

- Set a **code or announcement** that can be shared if immigration officials appear on the premises. If the code or announcement is activated, religious leaders, staff, and trained volunteers can pass out know-your-rights materials and remind people that they have the right to remain silent if an immigration official or other law enforcement official questions them.

- **Designate liaisons** to handle all interactions with immigration officials. Ensure that staffing schedules account for the need for at least one such person to always be on duty. Train designated liaisons on the protocol for responding to immigration officials, including by providing training on the difference between judicial and administrative warrants (discussed below).

- **Train all staff and, as appropriate, volunteers,** so they know:

    - how to identify ICE agents (who may be in plain clothes without visible badges);

- how to identify ICE agents (who may be in plain clothes without visible badges);
- how to respond to the designated code;
- that they should not consent to entry by immigration officials or behave in a manner that might otherwise indicate consent;
- that they should decline to answer questions from immigration officials but never lie; and
- that, should officials seek access to private spaces, they should ask them to wait outside the building or in an empty room with the door closed until the designated liaison can meet with them.

- If represented by legal counsel as an entity, **consult with legal counsel** when creating internal policies and to ensure effective communication with legal counsel in the event of an enforcement action.

NOTE:

When training personnel on interactions with immigration officials, include roleplay and practice scripts, which makes such trainings more effective.[14] Additionally, provide ongoing opportunities to revisit the information learned; for instance, by sending e-mails to staff with reminders about policies regarding interactions with immigration enforcement and other relevant updates.

[14] Altaf Saadi, *Welcoming and Protecting Immigrants in Healthcare Settings: A Toolkit Developed from a Multi-State Study*, Doctors for Immigrants, 9, available at https://doctorsforimmigrants.com/ourwork/ (last access Apr. 22, 2025).

What if Immigration Officials Have a Warrant?

Immigration officials may claim that they are entitled to enter non-public spaces inside a place of worship because they have a warrant or court order. **But not all documents that immigration officials present will give them legal authority to enter.** In fact, as of the time of this writing, it is relatively uncommon for immigration officials to have a valid judicial warrant.[15]

Immigration officials may lawfully enter non-public spaces inside a place of worship if they have a judicial warrant—that is, a valid warrant issued by a judge or magistrate.[16] Be aware that while immigration officials frequently state that they have a "warrant," they typically only have an administrative warrant—that is, a warrant issued by a federal administrative agency, usually the Department of Homeland Security (DHS). **An administrative warrant does not authorize immigration officials to enter non-public areas of a place of worship.[17] But a valid judicial warrant does.** A valid judicial warrant will be signed by a judge and have in the header the name of the authorizing federal or state court. An administrative warrant, in contrast, will be signed only by an immigration officer and will reference the Department of Homeland Security (DHS) or Immigration and Customs Enforcement (ICE).

To learn more about the difference between judicial and administrative warrants, see National Immigration Law Center, *Warrants and Subpoenas: What to Look Out For and How to Respond* (Jan. 2025) https://www.nilc.org/wp-content/uploads/2025/01/2025-Subpoenas-Warrants_.pdf.

[15] Immigrant Defense Project, *ICE Ruses*, available at https://www.immigrantdefenseproject.org/ice-ruses/ (last accessed Dec. 5, 2025).
[16] A warrant must describe with particularity the place to be searched or the person to be seized, U.S. Const. amend. IV, and officers generally may not search beyond the areas named in a warrant unless they have consent to do so (or some exceptional circumstance). *See Stanford v. Texas*, 379 US 476, 486 (1965). In other words, if a judicial warrant only authorized the search of the emergency room, officers cannot insist that they may also enter the ICU under the authority granted by the warrant. Questions about the scope of any particular warrant should be directed to an attorney.
[17] *See* Federal Law Enforcement Training Centers, *ICE Administrative Removal Warrants*, available at https://www.fletc.gov/audio/ice-administrative-removal-warrants-mp3 (last accessed Dec. 7, 2025) (stating that "unlike a criminal warrant issued by the federal court, a[n ICE] removal warrant does not authorize the ICE officer to enter into an REP [reasonable expectation of privacy] area to execute the warrant").

Model Protocol for Responding to the Presence of Immigration Officials at Places of Worship

- If immigration officials **enter a place of worship,** staff members or trained volunteers should:
  - **Ask** officials whether they are present for the purposes of immigration enforcement;
  - **Inform** officials that they do not have permission to enter any spaces for the purposes of immigration enforcement;
  - **Inform** officials that they do not have permission to enter any private spaces without a judicial warrant or court order and ask officials to wait outside the building or in an empty room with the door closed until the designated liaison can meet with them.
  - Immediately **contact** the liaison designated to handle interactions with immigration officials.
  - **Alert** staff to the presence of immigration officials by activating a pre-designated code.
  - **Decline** all requests from the immigration officials and explain that only the designated liaison is authorized to handle any of their requests.

- The **designated liaison** should:
  - **Inform** officials that they do not have permission to enter the facility unless they have a judicial warrant or court order.
  - **Ask** officials to identify what agency they work for and describe the purpose of their visit.
  - **Ask** officials for their names, contact information, and badge numbers. Record this information.
  - **Ask** officials to produce any warrants, court orders, or other documents that entitle them to enter.

- **Make** copies of any documents presented.
- **Inform** officials that an attorney will need to review the documents presented before the officials may proceed further.
- **Contact** an attorney.
- **Call** the Portland Immigrant Rights Coalition (PIRC) hotline at 1-888-622-1510 to report suspected ICE activity. (Hotlines outside the Portland area may be added. For now, all facilities can contact PIRC to see if it can provide assistance.)
- In all interactions, **do not lie** to officials, but do not volunteer information. Remember that anyone can exercise their right to remain silent when interacting with government officials.

- If an immigration official **claims to have a warrant**, the designated liaison should:
  - **Inform** officials that they are only permitted to enter if the warrant is a judicial warrant.
  - **Review** any documents presented to determine whether officials have a judicial warrant or administrative warrant, ideally with the assistance of an attorney
    - A judicial warrant is issued by a judge or magistrate judge, and it will bear the name of a court, usually the "United States District Court for the District of Oregon."
    - An administrative warrant will be signed by an immigration officer or immigration judge and will usually bear the name of the "Department of Homeland Security" or "DHS."
  - **Make** copies of any documents presented.
  - If officials have presented an administrative warrant, **inform** them that they do not have permission to enter any private spaces and ask them to leave. They must obtain a judicial warrant before they can enter.
  - If officials have presented a valid judicial warrant, the law requires prompt compliance with the warrant.
    - If the warrant is a search warrant, it will describe the places the officials can enter. If officials attempt to search areas beyond those authorized by the warrant, tell officials that the place of worship does not consent to that search and document the interaction.

- If the warrant is an arrest warrant, it will name the person to be arrested. The law requires that individuals refrain from interfering with the arrest of the named person. However, staff members and trained volunteers may inform the person being arrested (as well as anyone nearby) that they have the right to remain silent and to consult with an attorney. They may also object if officers attempt to do anything beyond arresting the person named in the warrant, such as questioning other people or otherwise searching the facility.

REMEMBER: Judicial warrants authorize entry. Administrative warrants do not.

- If an immigration officer claims to have emergency authority to enter private spaces in a place of worship or otherwise enters without consent, personnel should document the interaction. Attempting to physically stop the officer may be unlawful and dangerous.

- If religious leaders, staff members, or trained volunteers are uncomfortable interacting with immigration officials for any reason, they should immediately contact a colleague who is comfortable managing these interactions.

- After immigration officials make any requests of a place of worship, personnel should document everything they remember about the request, inform their supervisors, and consult with an attorney to determine next best steps.

See also Episcopal City Mission, *ICE Protocols & Policies for Episcopal Churches*, available at https://www.episcopalcitymission.org/ice-protocols (last accessed Dec. 5, 2025).

Rev. Minna Bothwell, *Welcoming, Protecting, and Preparing: A Congregational Guide* (Jan. 2025) (Capitol Hill Lutheran Church, Des Moines, IA), available at https://docs.google.com/document/d/1Vg2hIh6f3uJFz_Sk-tjuMJJU3MnNCNXvJOmEQEbVQRw/edit?tab=t.97yxnhhtn931

World Relief, *Preparing for a Possible ICE Enforcement Action*, available at https://worldrelief.org/preparing-for-and-responding-to-ice-in-places-of-worship/ (last accessed Dec. 5, 2025).

b) Protecting Community Members' Privacy

Immigration officials may also attempt to enforce immigration laws at places of worship by seeking information within the control of the place of worship and using it to make it easier to deport religious leaders, staff, or members of the faith community. Officials could attempt to gather information by observing individuals inside the place of worship, questioning people, informally requesting records maintained by place of worship, formally requesting records via subpoenas, going through people's belongings, or looking at documents or other objects that are in "plain view." This sort of surveillance threatens access to the place of worship by making immigrants and their loved ones feel that these are not safe spaces. Places of worship should thus adopt policies to safeguard the privacy of their community members.

Under the law, places of worship and members of the faith community have the right to limit the information they share with immigration officials.

- **The right to remain silent.** Under the Fifth Amendment to the U.S. Constitution, all persons, including immigrants, have the right to remain silent if questioned by immigration officials.[18] Individuals do not have to answer questions regarding their immigration or citizenship status, place of birth, or time in the United States. In Oregon, individuals are also not required to identify themselves to immigration officials.

- **The clergy-penitent privilege.** Under the clergy-penitent privilege, certain communications between a religious leader and a person seeking spiritual counseling can be protected from disclosure to third parties, including immigration officials.[19] Typically, a communication can be protected from disclosure when it is made "(1) to a clergy person, (2) in his or her spiritual professional capacity (3) with a reasonable expectation of confidentiality."[20] Although this privilege does not protect all conversations between religious leaders and members of the faith community, it can be invoked to protect confidential spiritual communications between appropriate parties.[21] To best preserve the privilege, religious leaders should be careful to decline to answer questions about confidential communications with community members. If government officials ask religious leaders about their confidential communications with community members, they can respond by saying, "I cannot discuss confidential spiritual communications. I must assert the clergy-penitent privilege and decline to answer."

[18] *See Kastigar v. United States*, 406 U.S. 441, 444–45 (1972) (The privilege against self-incrimination "can be asserted in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory; and it protects against any disclosures which the witness reasonably believes could be used in a criminal prosecution or could lead to other evidence that might be so used. This Court has been zealous to safeguard the values which underlie the privilege.") (internal citations omitted).
[19] *See Mockaitis v. Harcleroad*, 104 F.3d 1522, 1532 (9th Cir. 1997), *overruled on other grounds by City of Boerne v. Flores*, 521 U.S. 507 (1997) ("The privilege ... embrac[es] any confession by a penitent to a minister in his capacity as such to obtain such spiritual aid as was sought and held out...." (quotation marks and citation omitted)); *see also* ORS 40.260 (Rule 506).
[20] *Fabricant v. United States*, No. CR 03-01257-RSWL-1, 2015 WL 5923481, at *12 (C.D. Cal. Oct. 8, 2015) (citing I*n re Grand Jury Investigation,* 918 F.2d 374, 384 (3d Cir. 1990)).
[21] *See United States v. Webb*, 615 F.2d 828 (9th Cir. 1980) (holding that communications between prisoner and clergyman would not be protected where they were not confidential).

- **The right to be free of unreasonable searches and seizures.** Under the Fourth Amendment, officers cannot generally rummage through an individual's belongings without a special reason for doing so, and they frequently need a warrant. They also generally cannot look through documents in the possession of a place of worship unless they have a judicial warrant. However, the Fourth Amendment does not prevent government officials from acquiring information that is in **"plain view"**—that is, if officials are in a place where they have the lawful right to be, the Fourth Amendment allows them to look at anything that is out in the open or otherwise take in information with their senses, for instance, by hearing it.[22] If there are documents or other sources of information left out at in a reception area or in other areas where officials may enter or are given permission to enter, the officials may look at those documents.

A Note on Subpoenas

Immigration officials may attempt to obtain information from places of worship through a subpoena—a formal written document requiring testimony or the production of evidence. This can be a judicial subpoena—that is, a subpoena issued by a judge or magistrate judge—or this can be an administrative subpoena—that is, a subpoena issued by an administrative agency, like DHS.[23] The law requires places of worship to comply with valid judicial subpoenas.

A DHS-issued administrative subpoena, however, is only enforceable after DHS goes to federal court and obtains a court order that requires compliance.[24] Put differently, an administrative subpoena is only enforceable after it becomes a judicial subpoena via court order. This statutory scheme provides individuals who receive administrative subpoenas a "meaningful day in court" so they may resist responding to an administrative subpoena where appropriate.[25]

[22] *See Minnesota v. Dickerson,* 508 U.S. 366, 375–76 (1993); *Arizona v. Hicks*, 480 U.S. 321, 324-25 (1987).
[23] *See* 8 U.S.C. § 1225(d)(4)(A) (establishing immigration officers' administrative subpoena power).
[24] *See* 8 U.S.C. § 1225(d)(4)(B) (establishing a process for making immigration officers' subpoena's judicially enforceable); *In re Nat'l Sec. Letter*, 33 F.4th 1058, 1063 (9th Cir. 2022) ([W]hile an agency may issue a subpoena without prior judicial approval, it must invoke the aid of a federal court to enforce it."); *see also United States v. Sec. State Bank & Trust*, 473 F.2d 638, 641–42 (5th Cir. 1973); *Shasta Minerals & Chem. Co. v. SEC*, 328 F.2d 285, 286 (10th Cir. 1964); *Interstate Com. Comm'n v. Brimson*, 154 U.S. 447, 485, 14 S. Ct. 1125, 1136, 38 L. Ed. 1047 (1894) ([T]he power to impose fine or imprisonment in order to compel the performance of a legal duty imposed by the United States can only be exerted, under the law of the land, by a competent judicial tribunal having jurisdiction in the premises."); Off. Legal Pol'y, U.S. Dep't Just., *Report to Congress on the Use of Administrative Subpoena Authorities by Executive Branch Agencies and Entities*, Section II.A.2 (2002), https://www.justice.gov/archive/olp/rpt_to_congress.htm#2a2 ("Congress has consistently required that agencies and departments seek enforcement of administrative subpoenas through a federal district court.").
[25] *See United States v. Sec. State Bank & Tr.*, 473 F.2d 638, 642 (5th Cir. 1973).

If a place of worship is issued a subpoena—whether judicial or administrative—it should consult with an attorney to determine the best course of action. There may be legal grounds for quashing (suppressing) the subpoena if the place of worship acts quickly. For example, if the information sought is privileged under the clergy-penitent privilege or another privilege, the place of worship can raise this point with the court. Failure to comply with a valid judicial subpoena or other valid court order may result in contempt of court or other serious consequences.

Strengthening Community Member Privacy

Places of worship can help protect the privacy of their employees and faith community members by taking the following steps:

- Establish a **protocol for responding to requests for information** from immigration officials.
- Create a written policy providing that the place of worship will not maintain any records containing information about a person's immigration status, citizenship status, or place of birth, unless required by law.
- Create a written policy providing that staff members will neither ask members of the faith community about immigration status, citizenship, or country of birth nor write this information down, unless required by law.
- Provide training to religious leaders regarding the clergy-penitent privilege, including by providing opportunities to practice invoking the privilege.
- Adopt a written policy providing that the place of worship will **never release its records to immigration officials** absent a valid judicial subpoena or court order.
- Designate liaisons to handle all interactions with immigration officials. Ensure that staffing schedules account for the need for at least one such person to be on duty at all times when the place of worship is open. Train designated liaisons on the protocol for responding to requests for information from immigration officials, including by establishing communication channels with legal counsel if possible and, if not, providing training on the difference between judicial and administrative subpoenas.
- Train all personnel so that they know the following:
    - If an individual volunteers information about their country of birth or immigration status, personnel should not record or collect this information.
    - Personnel should not answer questions from immigration officials and should instead direct officials to the designated liaison.
    - Personnel must keep records in safe locations and closed files that are not visible to anyone other than those who are authorized to see them. Physical documents must be covered or enclosed, and computer screens must be shielded from public view.

Model Protocol for for Responding to Immigration Officials' Requests for Information at Places of Worship

- If immigration authorities **request information** from a place of worship, personnel should decline to comment and direct the request to the designated liaison. The designated liaison should:
  - **Ask** officials to identify what agency they work for;
  - **Ask** officials for their names, contact information, and badge numbers. Record this information.
  - **Ask** officials to produce any warrants, court orders, or other documents related to their request for information;
  - **Make** a copy of all documents the immigration officials present;
  - **Inform** the officials that they cannot share any information without first consulting an attorney; and
  - **Consult** an attorney.

REMEMBER: An administrative subpoena alone is not enforceable. The law requires compliance with a valid judicial subpoena or court order.

- In any interaction with immigration officials, **avoid sharing information** as much as possible. For example, if immigration officials ask personnel about a specific member of the faith community or employee of the place of worship, do not confirm whether that person has a relationship to the place of worship. **You should never lie to immigration officials, but you can maintain silence or decline to answer a question.**

- If personnel are uncomfortable interacting with immigration officials for any reason, they should immediately contact a colleague who is comfortable managing these interactions.

- After immigration officials make any requests, document everything you remember about the request, inform a supervisor, and consult with an attorney to determine next best steps.

S*ee also* Episcopal City Mission, *ICE Protocols & Policies for Episcopal Churches*, available at https://www.episcopalcitymission.org/ice-protocols (last accessed Dec. 5, 2025)

Rev. Minna Bothwell, *Welcoming, Protecting, and Preparing: A Congregational Guide* (Jan. 2025) (Capitol Hill Lutheran Church, Des Moines, IA), available at https://docs.google.com/document/d/1Vg2hIh6f3uJFz_Sk-tjuMJJU3MnNCNXvJOmEQEbVQRw/edit?tab=t.97yxnhhtn931

World Relief, *Preparing for a Possible ICE Enforcement Action*, available at https://worldrelief.org/preparing-for-and-responding-to-ice-in-places-of-worship/ (last accessed Dec. 5, 2025).

IV. Offering Immigrant Community Members Sanctuary

Historically, many faith communities have offered sanctuary—some form of refuge, safety, or protection—to immigrants, "criminals," and others at risk of persecution.[26] In the United States, places of worship have offered protection to fugitive slaves, asylum seekers, refugees, and others fighting to stay with their families.[27]

What exactly it means to offer "sanctuary" can range widely from one faith community to the next, or from one member of the faith community to the next. In Oregon, places of worship have supported individuals facing potential deportation in numerous ways. These efforts have included offering living space within church facilities, passing resolutions to support immigrants, engaging in mutual aid and community organizing, accompanying individuals to their immigration hearings, and providing basic necessities to anyone in need, among other activities.[28]

The law does not provide explicit recognition of a faith community's right to offer sanctuary to immigrant members of our community. To the contrary, certain activities a faith community may engage in when offering "sanctuary" could be deemed to run afoul of the federal government's criminal prohibitions on "harboring" or "transporting" non-citizens:

- The federal **criminal harboring law** makes it a felony offense to conceal, harbor, or shield from detection (or attempt to do so) a person who lacks authorization to be in the United States, when done with knowledge or reckless regard of that person's lack of status. 8 U.S.C. § 1324(a)(1)(A)(iii). A person can only be found guilty under this provision if:
  - They **harbored, hid, or shielded** a person from detection;
  - They **knew or should have known** that the person harbored lacked authorization to be in the United States.

[26] *See generally* Valerie J. Munson, *On Holy Ground: Church Sanctuary in the Trump Era*, 47 Sw. L. Rev. 49, 51–53 (2017).
[27] *Id.*
[28] *See, e.g.*, Heather Hahn, *With Warm Faith, Pastors Seek to Counter ICE*, United Methodist News Service (Oct. 17, 2025), https://www.umnews.org/en/news/with-warm-faith-pastors-seek-to-counter-ice; Sajina Shrestha, *Eugene Church Passes Resolution to Offer Sanctuary to Undocumented Immigrants*, OPB (Feb. 5, 2025), https://www.opb.org/article/2025/02/05/eugene-church-sanctuary-undocumented-immigrants/; Joni Auden Land, '*We Will Protect You': Portland Church Maintains Sanctuary for Undocumented Immigrants amid Trump's Crackdown*, OPB (Feb. 1, 2025), https://www.opb.org/article/2025/02/01/augustana-lutheran-church-sanctuary-immigrants/; Interfaith Movement for Immigrant Justice (IMIrJ), available at https://www.imirj.org/ (last accessed Dec. 5, 2025).

- The **federal criminal transporting law** makes it a felony offense to transport or move (or attempt to transport or move) a person who lacks authorization to be in the United States from one place to another, with knowledge or reckless disregard of the fact that the person lacks status, in situations where the transportation or movement helps the person remain in the United States unlawfully. 8 U.S.C. § 1324(a)(1)(A)(ii). A person can only be found guilty under this provision if:
  - They **knew or should have known** that the person transported lacked authorization to be in the United States;
  - They transported or moved the person **in order to help them remain in the United States unlawfully;**

Most of the activities a faith community may engage in are unlikely to violate these laws. For instance, the following activities present minimal risk[29] of conviction under these laws:

- Accompanying immigrants to their court hearings;
- Welcoming all people into places of worship, regardless of immigration status;
- Providing food, shelter, and other basic necessities to all people, without regard to immigration status;
- Requiring immigration officials to present judicial warrants to enter private spaces or judicial subpoenas before obtaining information;
- Providing know-your-rights presentations and facilitating the creation of family preparedness plans;
- Informing people of their rights during interactions with immigration officials;
- Protesting and other advocacy in support of immigrants' rights.

Still, many places of worship may wish to offer greater support to immigrant members of our community. Faith communities considering offering "sanctuary" should seek the advice of counsel to understand what risks any given course of action may run and to make informed decisions. This is particularly true given that, although the law criminalizes certain sanctuary-related conduct, it also recognizes that faith communities enjoy special rights:

- Under the **First Amendment,** government conduct intentionally "designed to persecute or oppress a religion or its practices" is unconstitutional unless it is necessary to advance a compelling government interest. [30]

[29] In light of the Trump Administration's aggressive approach to immigration enforcement, few activities in support of immigrant community members can be deemed without risk. Much about how this administration will approach prosecutions for criminal harboring and transport remains uncertain and subject to change.
[30] *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah,* 508 U.S. 520, 547 (1993).

- Under the **Religious Freedom Restoration Act (RFRA),** the federal government may not "substantially burden" a religious practitioner's exercise of their religion unless the government conduct is necessary to advance a compelling government interest and is the least restrictive means of furthering that interest.[31]

An attorney can help faith communities understand what protections, if any, the law might provide to certain conduct, and whether certain conduct would violate the law.

Immigrants seeking the protection of places of worship should also seek the advice of their counsel, which may be available to them free of charge through the Equity Corps of Oregon (ECO).

For more information, *see* ACLU, *Sanctuary Congregations and Harboring FAQ* (Jan 24, 2018), available at https://www.aclu.org/documents/sanctuary-congregations-and-harboring-faq

ACLU, *Immigration Enforcement Guidance for Places of Worship* (Mar. 17, 2025), https://www.aclu.org/documents/immigration-enforcement-guidance-for-places-of-worship

National Immigration Project of the National Lawyers Guild, *What is Section 1324? Understanding the Smuggling/Harboring Federal Crime* (Jan. 31, 2025), https://nipnlg.org/work/resources/what-section-1324-understanding-smuggling-harboring-federal-crime

National Lawyers Guild, *Assessing Risks in Supporting Immigrants at Points of Intervention: Understanding the "Harboring" Non-U.S. Citizens Federal Crime*, 8 U.S.C. § 1324(a)(1)(A) (Jan. 24, 2025), https://www.nlg.org/massdefenseprogram/responsive-guides/assessing-risks-immigration-intervention/

[31] *Holt v. Hobbs*, 574 U.S. 352, 357 (2015).

What does it mean that Oregon is a "sanctuary" state?

Oregon has been called a **"sanctuary state"** because it has enacted laws designed to limit the use of state resources for the purposes of federal immigration enforcement.[32] Under Oregon's sanctuary laws, "public bodies" generally may not assist a federal agency with immigration enforcement,[33] including by sharing information with immigration authorities[34] or allowing immigration authorities to enter private spaces without a warrant.[35] Because these laws only apply to "public bodies"—defined as "state government bodies, local government bodies and special government bodies"[36] – they do not govern places of worship.

Nonetheless, faith communities can help enforce Oregon's sanctuary laws by understanding them and remaining vigilant. If there is a suspected violation of Oregon's sanctuary laws, anyone can report the suspected violation to the Oregon Department of Justice[37] and/or bring a civil action against the public body to stop the violation.[38]

Violations of Oregon's sanctuary laws could take many forms, but generally, if a state or local government entity appears to be collecting information about immigration status or collaborating with ICE or CBP, there is a potential violation. Examples of potential violations include the following:

- A local public school asks students or their parents for their immigration or citizenship status.
- The county sheriff asks people they arrest where they were born or calls ICE after arresting someone they believe to be a non-citizen.
- A state government agency denies a person a benefit based on their immigration status.
- Police work with ICE to conduct traffic stops together.

[32] *See* ORS §§ 180.805, 180.810, 181A.820-181A.829.
[33] ORS § 181A.826(2)(b).
[34] ORS § 181A.823(1)(c). The law also allows for release of information that is available to the general public, "under the same terms and conditions as the information is available to the general public." See id.
[35] ORS § 181A.826(2)(a).
[36] ORS § 174.109; see also ORS § 181A.822(6); ORS § 174.117(1)(b); ORS § 174.117(1)(c); Oregon Dep't of Justice, *Public Body Examples*, available at https://www.doj.state.or.us//wp-content/uploads/2024/09/Public-Body-examples.pdf (last accessed Dec. 4, 2025).
[37] *See* Oregon Dep't J., *Sanctuary Promise Violations Hotline* available at https://www.doj.state.or.us/oregon-department-of-justice/civil-rights/sanctuary-promise/reporting-sanctuary-promise-violations-to-the-hotline/ (last accessed Dec. 4, 2025).
[38] ORS § 181A.823(4); ORS § 181A.826(5).

Members of faith communities who suspect violations of Oregon's sanctuary laws can report the suspected violation to the Oregon Department of Justice by submitting a report online or by calling 1-844-924-STAY/1-844-6-AMPARO.

For more information about Oregon's Sanctuary Promise Laws, *see* guidance from the Oregon Department of Justice: https://www.doj.state.or.us/oregon-department-of-justice/civil-rights/sanctuary-promise/.

[39] *See* Oregon Dep't J., *Sanctuary Promise Violations Hotline* available at https://www.doj.state.or.us/oregon-department-of-justice/civil-rights/sanctuary-promise/reporting-sanctuary-promise-violations-to-the-hotline/ (last accessed Dec. 4, 2025).

V. Taking the Next Steps to Welcome Immigrant Community Members

In addition to adopting the policies and practices discussed above, places of worship can take a variety of measures to become more welcoming for immigrants and their loved ones. To begin this process, places of worship should consider the following:

Proactively communicate with community members.

- **Adopt** a written policy explaining that the place or worship welcomes all people regardless of place of birth, immigration or citizenship status, race, ethnicity, ability, gender identity, or sexual orientation, etc. and post that policy in areas where community members will regularly see it.
- **Send emails, newsletters, and messages on social media** to help immigrant community members understand the place of worship's commitment to serving all people, regardless of immigration status.
- **Tell the community** what steps the place of worship has taken to protect immigrant community members; for instance, by publicizing the fact that the place of worship will not share any information about members of the faith community with immigration officials, unless required by law.
- If there are rumors of immigration enforcement happening at specific places, **share accurate information** with the public. Dispel myths if enforcement is not happening.

Educate members of the faith community regarding their rights.

- **Post** know-your-rights information in visible locations in multiple, commonly spoken languages. This information should remind visitors that:

- They have the right to remain silent if questioned by immigration officials or other law enforcement;
- They have the right to have their attorney present during interactions with immigration officials or other law enforcement;
- They are not obligated to consent to any searches by immigration officials or other law enforcement; and
- Oregon residents can contact the Equity Corps of Oregon (ECO) at 1-888-274-7292 to see if they qualify for free immigration legal services.

- In addition to posting this information, **host know-your-rights presentations** and share family emergency preparedness information.
  - Innovation Law Lab, *Know your Rights, Responses, and Recourses* (Apr. 2025), https://innovationlawlab.org/resources/preparing-for-ice-encounters-know-your-rights-responses-and-recourses/
  - Oregon Law Center & Latino Network, *Protect Your Family: Information for Families in Oregon: A Guide to Plan in case of an Unexpected Event* https://www.latnet.org/immigration-resources/protect-your-family (last accessed Dec. 5, 2025)
  - ACLU of Oregon, *Rapid Response Plan if ICE Comes to Your Community*, available at https://www.aclu-or.org/know-your-rights-immigrants-rights/ (last accessed Dec. 7, 2025).
  - Immigrant Legal Resource Center, *"Red Cards/Tarjetas Rojas,"* available in several languages at https://www.ilrc.org/red-cards-tarjetas-rojas (last accessed Dec. 7, 2025)
- **Inform** community members that they may be eligible for free immigration legal services through the Equity Corps of Oregon (ECO), https://equitycorps.org/, and **encourage community members to contact ECO proactively to seek legal assistance before any interaction with immigration officials.** ECO is a network of organizations that provide immigration legal services to Oregon's immigrant and refugee communities. Affected community members can contact ECO at 1-888-274-7292 to see if they are eligible for free immigration legal services.
- **Provide** support to staff members who may be impacted by immigration enforcement, including by facilitating access to know-your-rights information for staff members, offering counseling services, and sharing messages from leadership affirming the place of worship's commitment to diversity, equity, and inclusion, including inclusion of immigrant community members.

Prepare for immigration arrests.

- If an immigration arrest occurs at or near a place of worship, personnel should, whenever possible, **ask immigration officials** where they are taking the arrested person. Places of worship can also share the following information with anyone who is affected:

    - **ICE's Online Detainee Locator**, https://locator.ice.gov/odls/#/search. Individuals whose loved ones are arrested can use ICE's online detainee locator to find out where their loved one is being detained, though there may be a delay of a few days before someone appears in that system, and information in the system may be inaccurate. Although individuals arrested by ICE may be detained throughout the United States, those arrested in Oregon are frequently detained at the Northwest ICE Processing Center in Tacoma, Washington. Families can try to call that facility at (253) 779-6000 to ask whether their loved one is being detained there.

    - *See* also National Immigration Law Center, *How to Find a Loved One after a U.S. Immigration Arrest* (Apr. 17, 2025), https://www.nilc.org/wp-content/uploads/2025/04/How-to-Locate-a-ICE-Disappearance.pdf.

- **Equity Corps of Oregon (ECO),** https://equitycorps.org/

    - Affected community members can contact ECO at 1-888-274-7292 to see if they are eligible for free immigration legal services.

Seek out creative solutions to make spiritual services more accessible.

- **Seek** out ways to better understand how community members are feeling in the current political climate and to learn how to make religious services more accessible for all.

- **Work** with community partners to find places where community members feel safe accessing spiritual services, and bring services to those locations.

- **Offer** religious services remotely.

Build community relationships.

- **Partner with community members** who can provide support when developing policies to protect immigrant community members and their families, for instance, by connecting with community-based organizations, interfaith networks, immigration attorneys, interpreters, social service providers, and state government officials.

- **Collaborate** with other faith communities to learn how others are working to welcome immigrant community members.

    - For example, see First Unitarian Portland, Immigrant Justice Action Group, available at https://www.firstunitarianportland.org/immigrant-justice-action-group-ijag/ (last accessed Dec. 5, 2025)

    - Havurah Shalom, Sanctuary Committee, available at https://www.havurahshalom.org/sanctuary-committee (last accessed Dec. 5, 2025)

    - First Congregational United Church of Christ, Immigrant Welcoming Committee, available at https://www.uccportland.org/immigrant-welcoming-committee (last accessed Dec. 5, 2025)

    - United Church of Christ, *Immigrant Welcoming Congregations*, available at https://www.ucc.org/what-we-do/wider-church-ministries/global-hope/refugee-and-migration-ministries/immigrant-welcoming-congregations/ (last accessed Dec. 5, 2025)

    - Augustana Lutheran Church, *Sanctuary Sundays,* available at https://augustana.org/ (last accessed Dec. 9, 2025).

    - Islamic Social Services of Oregon State (ISOS), available at https://www.i-sos.org/ (last accessed Dec. 5, 2025)

    - Episcopal City Mission, *ICE Protocols & Policies for Episcopal Churches,* available at https://www.episcopalcitymission.org/ice-protocols (last accessed Dec. 5, 2025).

    - Rev. Minna Bothwell, *Welcoming, Protecting, and Preparing: A Congregational Guide* (Jan. 2025) (Capitol Hill Lutheran Church, Des Moines, IA), available at https://docs.google.com/document/d/1Vg2hIh6f3uJFz_Sk-tjuMJJU3MnNCNXvJOmEQEbVQRw/edit?tab=t.97yxnhhtn931

Support local advocacy.

- **Collaborate with community-based organizations** and interfaith networks to advocate for policies to protect immigrants and refugees.
    - Together Lab, available at https://www.togetherlab.org/ (last accessed Dec. 5, 2025).
    - Interfaith Movement for Immigrant Justice (IMIrJ), available at https://www.imirj.org/ (last accessed Dec. 5, 2025).
    - Jewish Coalition for Immigrant Justice NW, available at https://www.jewishcoalition.org/ (last accessed Dec. 5, 2025).
- **Speak out** on behalf of immigrants' rights and keeping families together.
- **Consider** additional ways a faith community might support immigrant members of community, for instance, by offering accompaniment to those seeking support with immigration hearings, working to bring spiritual services to those detained in ICE's offices in Oregon, or organizing mutual aid.

Together, we can help make Oregon places of worship safe, welcoming places where everyone can participate in spiritual life.