

KNOW YOUR MEETING'S RIGHTS:

**WHEN GOVERNMENT AGENTS
KNOCK AT THE DOOR**

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May 4, 2025

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1. The Preliminary Injunction

On February 24, 2025, The United States District Court for the District of Maryland (Judge Theodore D. Chuang) **granted our motion for a Preliminary Injunction as to all the meetings and churches within the yearly meeting** (and for the other participating YMs). *Phila. Yearly Mtg. of the Religious Socy. of Friends v United States Dept. of Homeland Sec.*, 2025 US Dist LEXIS 32994 (D Md Feb. 24, 2025, Civil Action No. 25-0243-TDC).

A second, multi-denominational lawsuit was also filed, but that court denied the application for a preliminary injunction.

The Preliminary Injunction requires Department of Homeland Security, including Immigration & Customs Enforcement (ICE) division, to **continue to follow the guidelines set forth in the Mayorkas Memo**, and to **NOT follow the new guidelines in the Huffman Memo**.

The Preliminary Injunction also required NYYM (and the other plaintiffs) to provide DHS with a **list and location of our meetings** on the theory that, if DHS is to respect the PI, it needs to know which houses of worship are covered (because the Court limited the scope of the PI to the meetings within the plaintiff yearly meetings).

The Court also entered a (negotiated) **Protective Order** that limits the use DHS can make of the information.

The Preliminary Injunction puts our meetings and churches in a **special, privileged category** which makes (technically) inapplicable DHS's current enforcement standards and practices.

*The Preliminary Injunction Order is annexed as **Appendix 1**.*

1(a). The Mayorkas Memo

The “Guidelines for Enforcement Actions in or Near Protected Areas” issued in 2021 by then Secretary of DHS, Alejandro Mayorkas, followed a long line of DHS Secretary guidance memos regarding immigration actions in so-called “sensitive locations”.

Sensitive locations includes (but is not necessarily limited to):

- Churches (meetings);
- Schools (pre-school thru university) and other places where children congregate (playgrounds, rec centers, school bus stops, etc);
- Social services establishments (domestic violence shelter, family justice center, etc.);
- Health care facilities;
- Disaster or emergency relief locations;
- Special religious or family events (funerals, weddings, rosary rituals, etc.);
- Parade, demonstration or rally sites;
- Surrounding areas for all the above.

Scope: All enforcement actions: arrests, civil apprehensions, searches, inspections, seizures, service of charging documents or subpoenas, interviews, surveillance, etc.

The Guidelines (Restrictions):

- “To the **fullest extent possible**, we should not take an enforcement action **in or near** a location that would restrain people’s access to essential services or engagement in essential activities. Such a location is referred to as a ‘*protected area*.’”
- “**Our obligation** to refrain, to the **fullest extent possible**, from conducting a law enforcement action **in or near** a protected area thus **applies at all times** and is **not limited by hours or days of operation**.”

Exceptions:

- “The phrase ‘to the **fullest extent possible**’ recognizes that there might be **limited circumstances** under which an enforcement action **needs** to be taken **in or near** a protect area.”
- Examples (“**exigent circumstances**”):
 - National security threat
 - Imminent risk of death, violence, or physical harm to a person
 - Hot pursuit of a pubic safety threat or personally observed border crosser
 - Imminent risk of evidence to criminal case will be destroyed
 - A safe alternative location does not exist
- Following **prior approval** from Agency’s headquarters
- These actions, “to the **fullest extent possible** ... should be taken in a **non-public area, outside of public view**, and ... **minimize** the chance that the enforcement action will **restrain people from accessing the protected area**.”

The Mayorkas Memo is annexed as Appendix 2.

1(b). The Huffman Memo

On January 20, 2025, then Acting Secretary of DHS, Benjamin Huffman:

1. **Rescinded** the Mayorkas Memo;
2. Directed that: “law enforcement officers should **continue to use discretion** along with **a healthy dose of common sense**” in carrying out enforcement activities in protected areas.
3. Declined to include any “bright line rules regarding where our immigration laws are permitted to be enforced.”
4. The following day, DHS issued a statement that described houses of worship as places that “criminal aliens – including murderers and rapists” use “to hide”.

*The Huffman Memo is annexed as **Appendix 3**.*

1(c). WHAT DOES THIS MEAN?

1. In dealing with Friends' houses of worship in NYYM (and PYM, BYM & NEYM), DHS is supposed **to follow special rules – the Mayorkas Memo** – that significantly restrict activities **“in or near” meetings or churches** (or other religious organizations).
2. Those rules make it **unlikely that a meeting or church covered by the Preliminary Injunction will be visited by government agents** in search of aliens **except**:
 - If the meeting or church is **actively engaged in breaking the law – civil disobedience?**
– in aid of an alien.
 - If **DHS ignores the Court** or **interprets the Preliminary Injunction “creatively”**.

2. PREPARING FOR A VISIT

Educate the Body:

- a. Does EVERYONE **know, understand and agree** to follow these guidelines and the advice on what to do if the Meeting is visited by government agents [**the Visit Response Plan**]? Consider employing a **formal training/education program**.

Backup Valuable Records:

- If government agents **seize the Meeting's computers, books, records** and other documents, how will the Meeting continue to function?
- Are there **documents (or electronic data) that should be retained only off-site**, if at all?
- Does the Meeting want to **change its practices for documenting proceedings, decisions and policies**?

Define the Meeting's Public Space:

- **Limit entry points** into the Meetinghouse.
- **Clearly identify the areas** in the Meeting where visitors are welcome and not welcome.
- **Limit access to restricted areas**.

*A sample "Public and Private Spaces Policy" is annexed as **Appendix 4**.*

Post Important Advice:

- Do all the entry points **have signs posted** that:
 - (1) Identify the property as a **house of worship and "private property"**;
 - (2) Identify **hours** that the Meeting is open to visitors;
 - (3) Advise visitors of the **Meeting's expectations** [*"No weapons allowed"*] and important practices [*"Please enter in silence"*]?

*Sample private property signs in English and Spanish are annexed as **Appendix 5**.*

Identify Important Contacts:

- a. Who in the Meeting will **take charge** of dealing with visiting government agents?
- b. Who will **record** the encounter?
- c. Who will prepare a **report** of the event?
- d. Who has agreed to serve as the Meeting's **legal counsel**; who will **contact** that person/firm?
- e. Other persons who can provide **emergency assistance**?

Checklist:

- Prepare a **comprehensive outline** of the these guidelines & Visit Response Plan.
- **Share it widely.**
- **Post it** in multiple appropriate places in the Meeting (entry ways, business office, message board, etc.).

*A sample “Protocols for Staff and Volunteers,” including suggested responses to questions frequently asked by government agents, is annexed as **Appendix 6.***

Sanctuary and Civil Disobedience:

- **Federal criminal law makes it a crime to knowingly “harbor” undocumented immigrants.**
- Has the Meeting discerned **where it draws the line between compliance with laws and government agents and when their demands unacceptably infringe on our religious faith and practice?**
- Has the Meeting made adequate **preparations for dealing with the possible consequences of not complying with laws or government agents?**

Needs of Seized Persons:

- If a person is taken away by the visiting government agents, try to get information about **why and where the person is being taken.**
- Does the detained person have any **immediate needs** that the Meeting can address (medications, etc.)?
- Who will **contact family, counsel, close friends** and other emergency contacts?
- Who will **take care of the person’s children** present at the Meeting and how?
- What is the Meeting prepared to do to **support the seized person(s) and their family?**

3. VISIT RESPONSE PLAN

Answering the Knock on the Door:

1. DO NOT OPEN THE DOOR
2. **Stay calm and polite.**
3. Remember **your rights** and the **Meeting's rights**:
 - **Right to remain silent** (5th Amend). YOU DO NOT HAVE TO ANSWER ANY QUESTIONS OR OTHERWISE SPEAK WITH THE GOVERNMENT AGENTS.
 - **Right to Due Process** (5th Amend).
 - **Right to be secure against unreasonable searches and seizures** (4th Amend).
 - Meetings' and churches' **constitutional privileges** (1st Amend, Religious Freedom Restoration Act).
4. Ask Visitors to **identify themselves** (name, employer/agency, rank, ID #) and to slip any **papers relating to their visit** (warrant, subpoena, etc.) under the door so you can examine them BEFORE PROVIDING ENTRY.
5. Carefully and fully review the papers, noting their **scope and limits**:
 - An "**arrest warrant**" is not a judicial warrant unless it is signed by a Judge.
 - Any warrant must contain a **signature** and be **accurate** in identifying location (name and address), specific areas within location to be investigated, specific documents (or categories) being sought, persons being sought, and purpose of search.
 - If warrant fails any of these criterion, **identify errors** to Visitors and **decline to permit entry** until counsel is consulted and/or an accurate document is presented.
6. Request opportunity to **review the warrant** [or other documents presented by the Visitors] **with counsel** before providing admission.
7. Remember that **government agents lie**.
8. Request that Visitors remove and leave outside the building any **weapons, masks** and other inappropriate things before entering the Meetinghouse. [This can be an opportunity to remind Visitors of nature of the place they are visiting.]
9. If Visitors enter Meetinghouse or private spaces **without permission or legal right**, advise them that they are **violating the Meeting's rights** but **do not resist or obstruct** them. **Make a record.**

10. Have copies of the **Preliminary Injunction Order & Mayorkas Memo** available and hand one to each Visitor, with a statement that: *“I wish to advise you that you are required to comply with this Preliminary Injunction Order and Mayorkas Memo in conducting any activity in or near the Meetinghouse.”*

Know Your Rights:

Right to Remain Silent and to Preserve Confidences:

- a. Remember you are **not required to answer** any questions or provide any information or guidance.
- b. Insist on **having counsel present** before answering any questions.
- c. **Do not identify** for the government agents persons who may be of foreign background or any personal information about anyone.
- d. **Do not respond** to inquiries about whether particular individuals are present or have been seen at the Meeting (now or in the past).
- e. Remember that **government agents lie**. Set aside your urge to trust and don't let yourself be captured by the tale being told. [*“We're just here to make sure the place is safe.” “We have intelligence that. . . .” “You are required to. . . .”*]

Public vs Private Spaces:

- f. Areas used for public services are considered “public spaces” **during their operating hours**.
- g. Identify and **post notices** restricting access to other areas: “**private spaces**”.
- h. Government agents can **enter public spaces** without a warrant and can exercise an “administrative warrant” in those areas.
- i. Government agents **must have a “judicial warrant”** [or your **consent**] in order to enter **private spaces**.

*A sample “Public and Private Spaces Policy” is annexed as **Appendix 4**.*

Warrants:

- There are 2 different types of warrants that government agents may display:
- “**Judicial warrants**” are signed (issued) by a federal or state court judge and indicate that they are from a specific court. Judicial warrants (or consent) are required for government agents to enter private spaces.
- “**Administrative warrants**” can be issued by government agents, themselves, and indicate they are from DHS or another branch/agency.
- Request opportunity to **review the warrant** [or other documents presented by the Visitors] **with counsel** before providing admission or responses.

*Samples of a “Judicial Warrant” and an “Administrative Warrant” are annexed as **Appendix 7**.*

Accompany, Demonstrate Our Faith and Engage:

- You are entitled to **observe**, without interfering in, the government agents' actions.
- **Sit (or stand) in corporate worship during the visit.** The Meeting can **remind** the government agents of where they are and what they are doing to people of faith by worshipping in their midst.
- You can attempt to **engage** the government agents in Friendly conversation without getting agitated, hostile, disruptive or interfering.
- Engage with **a government agent who simply shows up as a “visitor”** during the Meeting's proceedings. Remind them that they are in a religious space where active worship is going on (even if in silence); invite them to participate; let them know that they are not welcome to conduct investigatory, interrogatory, apprehension activities during worship.

Documentation:

- **Record** the event.
- Make a detailed **report** of everything relating to the visit, including a list of items taken and persons present.
- Encourage **wide participation** in preparing the report.
- **Share the report** with the Meeting, counsel, immigration rights organizations.
- Remember that the report is NOT CONFIDENTIAL.

After the Visit:

- a. **Advise counsel.**
- b. Complete **report preparation** process.
- c. Consider whether Meeting's or individual's **rights appear to have been violated** and, if so, what action (if any) should be taken.
- d. Consider **publicizing event**.

4. SMALL GROUPS DISCUSSION # 1

Queries:

1. How should my Meeting prepare for a visit to the Meetinghouse by government agents?
2. How should my Meeting engage with government agents when the knock comes at the door to the Meetinghouse?

5. IS THE RULE OF LAW STILL HONORED?

1. All of the guides for dealing with visits by government agents, and the discussion tonight so far, assume that the Rule of Law continues to govern the conduct of government officials.
2. There is substantial evidence that the Administration is NOT adhering to Rule of Law standards and intends to completely free itself from any requirement to respect the Rule of Law.
3. **The New Reality:** we need to recognize 2 possible scenarios:
 - The Rule of Law governs
 - The Rule of Power governs
4. We can discuss the risks under the Rule of Law. We can predict how Meetings and people will be treated under the Rule of Power. It is like the difference between being arrested and being disappeared. *How can we prepare to respond if the Rule of Law is abandoned?*
5. **Harassment Risk:** a meeting could be **targeted for investigation/audit/etc.** by arms of the federal government, particularly the Internal Revenue Service.
6. **Loss of Exemption Risk:** A meeting could be **stripped of its 501(c)(3) tax exemption.**
 - **Contributions** would no longer be tax deductible to donors.
 - The meeting would have to **pay federal income taxes** on its revenues.
 - A meeting may **no longer qualify for some or all grants.**
7. **Target Risk:** A meeting could become the **target of ICE** (or other government) agent raids.
 - That risk exists for a meeting with undocumented attenders or program dealing with migrant community in any case.
 - Likelihood greater if there is publicity about the Meeting's activities.

6. CIVIL OBEDIENCE: HOW DO/SHOULD FRIENDS INTERACT WITH THE POWERS?

“There needs to be constant reference to the standard of the witness and teaching of Jesus and the relevance of this for our time.” (NYYM Faith & Practice at 88)

“Friends are advised to observe our Christian testimony for a faithful ministry of the gospel under the influence of the Holy Spirit. Members are reminded that all have a responsibility in ministry.” (NYYM Faith & Practice, Advice # 4 at 79)

“Friends are advised to work toward removing the causes of misery and suffering. They are urged to support efforts to overcome racial, social, economic, and educational discrimination; to bear testimony against all forms of oppression; to exert influence for such treatment of prisoners as may help reconstruct their lives. . . .” (NYYM Faith & Practice, Advice # 7 at 80)

“Friends are advised to observe integrity in their living and to inspect frequently the state of their temporal affairs. In their dealings with everyone they should endeavor to maintain a truly Christian character, ever bearing in mind the Golden Rule, ‘Do unto others as you would have them do unto you.’” (NYYM Faith & Practice, Advice # 10 at 80)

“When their actions are carefully considered, Friends must be prepared to accept the consequences of their convictions. Friends are advised to maintain our testimony against war by endeavoring to exert an influence in favor of peaceful principles and the settlement of all differences by peaceful methods. They should lend support to all that strengthens international friendship and understanding and give active help to movements that substitute cooperation and justice for force and intimidation.” (NYYM Faith & Practice, Advice # 14 at 81)

“Do we participate actively and intelligently in the political life of our country? Are we conscientious in fulfilling all obligations of state and society that are not contrary to the leading of God? Do we do all in our power to secure civil rights for all?” (NYYM Faith & Practice, Query # 9 at 84)

“Do we foster reverence for life? Do we strive to find, to understand, and to remove causes of misery and suffering? Do we, in loving concern, extend assistance to those who require it?” (NYYM Faith & Practice, Query # 11 at 84)

“Are we exerting our influence in favor of settlement of all differences by truly nonviolent methods?” (NYYM Faith & Practice, Query # 13 at 84)

“Witnessing in the World: Witness and Civic Responsibility

“a. What is our meeting doing:

“1. To become aware of systemic legal economic and political injustices in our local community?

“4. To work together with others to address injustice?

“b. How does our meeting assist in restoring public recognition that government fulfills legitimate functions?

“e. Do I fulfill my civic responsibilities when they do not conflict with divine leading?”

(PYM Faith & Practice at 213)

“If God ever spoke, He is still speaking. If He has ever been in mutual and reciprocal communication with the persons He has made, He is still a communicating God as eager as ever to have listening and receptive souls. If there is something of His image and superscription in our inmost structure and being, we ought to expect a continuous revelation of His will and purpose through the ages. . . . He is the Great I Am, not a Great He Was.” (Rufus M. Jones, 1948, in PYM Faith & Practice at 1154-115)

“From the beginning, it was the witness of changed and liberated lives that shook the foundations of the established social, economic, and religious order of England. The Religious Society of Friends – the Friends Church – is about nothing if it’s not about transformation.” (Noah Baker Merrill, 2012, in PYM Faith & Practice at 114-115)

“Any called before outward powers of the nation are to obey.” (Epistle of the Elders of Balby, 1656)

7. SMALL GROUPS DISCUSSION # 2

Queries:

1. How can/should my Meeting and/or me as an individual respond to lawlessness by the current Administration?
2. What is my Meeting's obligations to obey laws and directions of government officials in an environment of lawlessness by the current Administration?

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APPENDIX # 1:

THE PRELIMINARY INJUNCTION ORDER

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

PHILADELPHIA YEARLY MEETING OF
THE RELIGIOUS SOCIETY OF FRIENDS,
NEW ENGLAND YEARLY MEETING OF
THE RELIGIOUS SOCIETY OF FRIENDS,
BALTIMORE YEARLY MEETING OF THE
RELIGIOUS SOCIETY OF FRIENDS, INC.,
ADELPHI FRIENDS MEETING OF THE
RELIGIOUS SOCIETY OF FRIENDS,
RICHMOND FRIENDS MEETING OF THE
RELIGIOUS SOCIETY OF FRIENDS,
NEW YORK YEARLY MEETING OF THE
RELIGIOUS SOCIETY OF FRIENDS, INC.,
COOPERATIVE BAPTIST FELLOWSHIP
and
SIKH TEMPLE SACRAMENTO,

Plaintiffs,

v.

U.S. DEPARTMENT OF
HOMELAND SECURITY and
KRISTI NOEM, *in her official capacity as
Secretary of Homeland Security*,

Defendants.

Civil Action No. 25-0243-TDC

PRELIMINARY INJUNCTION

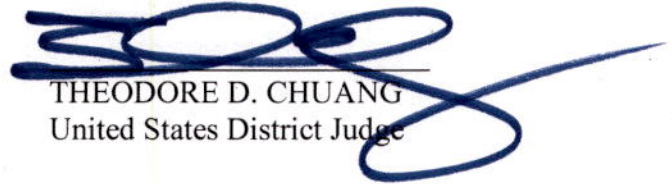
For the reasons set forth in the accompanying Memorandum Opinion and Order, which are incorporated by reference, it is hereby ORDERED that:

1. Defendants the United States Department of Homeland Security (“DHS”) and Kristi Noem, in her official capacity as Secretary of Homeland Security; DHS component agencies, including but not limited to U.S. Immigration and Customs Enforcement (“ICE”) and U.S. Customs and Border Protection (“CBP”); all officers, agents, employees, and appointees of DHS and its component agencies; and all other persons who are in active concert and participation with them (collectively, “Defendants”), are ENJOINED as follows:

- a. In relation to all potential or actual immigration enforcement actions in or near any place of worship owned, operated, occupied, or used by one or more of the above-captioned Plaintiffs or their agents, employees, or members, as specified on a list to be provided by Plaintiffs, Defendants shall not implement, enforce, apply, or act pursuant to the terms of the Memorandum of January 20, 2025 from the Acting Secretary of Homeland Security entitled “Enforcement Actions in or Near Protected Areas,” or the terms of the Memorandum of January 31, 2025 from the Acting Director of ICE entitled “Common Sense Enforcement Actions in or Near Protected Areas.”
 - b. In relation to all potential or actual immigration enforcement actions in or near any place of worship owned, operated, occupied, or used by one or more of the above-captioned Plaintiffs or their agents, employees, or members, as specified on a list to be provided by Plaintiffs, Defendants shall instead implement, enforce, apply, and act pursuant to the terms of the Memorandum of October 27, 2021 from the Secretary of Homeland Security entitled “Guidelines for Enforcement Actions in or Near Protected Areas,” a copy of which is attached hereto as Exhibit A, including but not limited to the requirements that (1) immigration enforcement actions at places of worship shall not be undertaken “to the fullest extent possible”; (2) such enforcement actions shall occur only in circumstances identical to or comparable to the enumerated “limited circumstances”; (3) such enforcement actions shall occur only with prior approval of ICE or CBP headquarters or with post-action consultation in the event of exigent circumstances that prevented such prior approval; and (4) to the fullest extent possible, any enforcement action in or near a place of worship shall be taken in a non-public area, outside of public view, and be otherwise conducted to eliminate or at least minimize the chance that the enforcement action will restrain people from accessing the place of worship. *See* Ex. A § III.
 - c. Consistent with 8 U.S.C. § 1252(f)(1), this injunction does not enjoin or restrict Defendants from conducting arrests in or near places of worship when authorized by an administrative or judicial warrant.
2. As necessary for enforcement of the Preliminary Injunction, Plaintiffs shall provide to Defendants immediately, and in any event no later than three days after the date of this Order, a list consisting of the names and addresses of all places of worship that are owned, operated, occupied, or used by any Plaintiff or its agents, employees, or members.
 3. Pursuant to Federal Rule of Civil Procedure 65(c), Plaintiffs are required to post with this Court a bond of \$100.
 4. The Preliminary Injunction shall take effect upon completion of both (1) the posting of the bond; and (2) the transmission to Defendants of the list of Plaintiffs’ places of worship.

Violations of this Preliminary Injunction shall subject Defendants and all other persons bound by this Order to all applicable penalties, including contempt of court.

Date: February 24, 2025



THEODORE D. CHUANG
United States District Judge

APPENDIX # 2:
THE MAYORKAS MEMO

Secretary

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

October 27, 2021

MEMORANDUM TO: Tae D. Johnson
Acting Director
U.S. Immigration and Customs Enforcement

Troy A. Miller
Acting Commissioner
U.S. Customs and Border Protection

Ur M. Jaddou
Director
U.S. Citizenship and Immigration Services

Robert Silvers
Under Secretary
Office of Strategy, Policy, and Plans

Katherine Culliton-González
Officer for Civil Rights and Civil Liberties
Office of Civil Rights and Civil Liberties

Lynn Parker Dupree
Chief Privacy Officer
Privacy Office

FROM: Alejandro N. Mayorkas
Secretary

A handwritten signature in blue ink, appearing to read "AN Mayorkas", written over the printed name and title.

SUBJECT: **Guidelines for Enforcement Actions in or Near Protected Areas**

This memorandum provides guidance for ICE and CBP enforcement actions in or near areas that require special protection. It is effective immediately.

This memorandum supersedes and rescinds John Morton's memorandum entitled, "Enforcement Actions at or Focused on Sensitive Locations" (number 10029.2, dated October 24, 2011), and David Aguilar's memorandum entitled, "U.S. Customs and Border Protection Enforcement Actions at or Near Certain Community Locations" (dated January 18, 2013).

I. Foundational Principle

In our pursuit of justice, including in the execution of our enforcement responsibilities, we impact people's lives and advance our country's well-being in the most fundamental ways. It is because of the profound impact of our work that we must consider so many different factors before we decide to act. This can make our work very difficult. It is also one of the reasons why our work is noble.

When we conduct an enforcement action – whether it is an arrest, search, service of a subpoena, or other action – we need to consider many factors, including the location in which we are conducting the action and its impact on other people and broader societal interests. For example, if we take an action at an emergency shelter, it is possible that noncitizens, including children, will be hesitant to visit the shelter and receive needed food and water, urgent medical attention, or other humanitarian care.

To the fullest extent possible, we should not take an enforcement action in or near a location that would restrain people's access to essential services or engagement in essential activities. Such a location is referred to as a "protected area."

This principle is fundamental. We can accomplish our enforcement mission without denying or limiting individuals' access to needed medical care, children access to their schools, the displaced access to food and shelter, people of faith access to their places of worship, and more. Adherence to this principle is one bedrock of our stature as public servants.

II. Protected Areas

Whether an area is a "protected area" requires us to understand the activities that take place there, the importance of those activities to the well-being of people and the communities of which they are a part, and the impact an enforcement action would have on people's willingness to be in the protected area and receive or engage in the essential services or activities that occur there. It is a determination that requires the exercise of judgment.

The following are some examples of a protected area. The list is not complete. It includes only examples:

- A school, such as a pre-school, primary or secondary school, vocational or trade school, or college or university.
- A medical or mental healthcare facility, such as a hospital, doctor's office, health clinic, vaccination or testing site, urgent care center, site that serves pregnant individuals, or community health center.
- A place of worship or religious study, whether in a structure dedicated to activities of faith (such as a church or religious school) or a temporary facility or location where such activities are taking place.

- A place where children gather, such as a playground, recreation center, childcare center, before- or after-school care center, foster care facility, group home for children, or school bus stop.
- A social services establishment, such as a crisis center, domestic violence shelter, victims services center, child advocacy center, supervised visitation center, family justice center, community-based organization, facility that serves disabled persons, homeless shelter, drug or alcohol counseling and treatment facility, or food bank or pantry or other establishment distributing food or other essentials of life to people in need.
- A place where disaster or emergency response and relief is being provided, such as along evacuation routes, where shelter or emergency supplies, food, or water are being distributed, or registration for disaster-related assistance or family reunification is underway.
- A place where a funeral, graveside ceremony, rosary, wedding, or other religious or civil ceremonies or observances occur.
- A place where there is an ongoing parade, demonstration, or rally.

We need to consider the fact that an enforcement action taken near – and not necessarily in – the protected area can have the same restraining impact on an individual’s access to the protected area itself. If indeed that would be the case, then, to the fullest extent possible, we should not take the enforcement action near the protected area. There is no bright-line definition of what constitutes “near.” A variety of factors can be informative, such as proximity to the protected area, visibility from the protected area, and people’s behavioral patterns in and around the protected area. The determination requires an analysis of the facts and the exercise of judgment.

The fundamental question is whether our enforcement action would restrain people from accessing the protected area to receive essential services or engage in essential activities. Our obligation to refrain, to the fullest extent possible, from conducting a law enforcement action in or near a protected area thus applies at all times and is not limited by hours or days of operation.

Whether an enforcement action can be taken in or near a courthouse is addressed separately in the April 27, 2021 Memorandum from Tae Johnson, ICE Acting Director, and Troy Miller, CBP Acting Commissioner, entitled “Civil Immigration Enforcement Actions in or Near Courthouses,” which remains in effect.

III. Exceptions and Limitation on Scope

The foundational principle of this guidance is that, to the fullest extent possible, we should not take an enforcement action in or near a protected area. The phrase “to the fullest extent possible” recognizes that there might be limited circumstances under which an enforcement action needs to be taken in or near a protected area. The following are some examples of such limited circumstances:

- The enforcement action involves a national security threat.
- There is an imminent risk of death, violence, or physical harm to a person.
- The enforcement action involves the hot pursuit of an individual who poses a public safety threat.
- The enforcement action involves the hot pursuit of a personally observed border-crosser.
- There is an imminent risk that evidence material to a criminal case will be destroyed.
- A safe alternative location does not exist.

This list is not complete. It includes only examples. Here again, the exercise of judgment is required.

Absent exigent circumstances, an Agent or Officer must seek prior approval from their Agency's headquarters, or as you otherwise delegate, before taking an enforcement action in or near a protected area. If the enforcement action is taken due to exigent circumstances and prior approval was therefore not obtained, Agency headquarters (or your delegate) should be consulted post-action. To the fullest extent possible, any enforcement action in or near a protected area should be taken in a non-public area, outside of public view, and be otherwise conducted to eliminate or at least minimize the chance that the enforcement action will restrain people from accessing the protected area.

Enforcement actions that are within the scope of this guidance include, but are not limited to, such actions as arrests, civil apprehensions, searches, inspections, seizures, service of charging documents or subpoenas, interviews, and immigration enforcement surveillance. This guidance does not apply to matters in which enforcement activity is not contemplated. As just one example, it does not apply to an Agent's or Officer's participation in an official function or community meeting.

This guidance does not limit an agency's or employee's statutory authority, and we do not tolerate violations of law in or near a protected area.

IV. Training and Reporting

Please ensure that all employees for whom this guidance is relevant receive the needed training. Each of your respective agencies and offices should participate in the preparation of the training materials.

Any enforcement action taken in or near a protected area must be fully documented in your Agency's Privacy Act-compliant electronic system of record in a manner that can be searched and validated. The documentation should include, for example, identification of the protected area; the reason(s) why the enforcement action was taken there; whether or not prior approval was obtained and, if not, why not; the notification to headquarters (or headquarters' delegate) that occurred after an action was taken without prior approval; a situational report of what

occurred during and immediately after the enforcement action; and, any additional information that would assist in evaluating the effectiveness of this guidance in achieving our law enforcement and humanitarian objectives.

V. Statement of No Private Right Conferred

This guidance is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

APPENDIX # 3:
THE HUFFMAN MEMO



Homeland
Security

January 20, 2025

MEMORANDUM FOR: Caleb Vitello
Acting Director
U.S. Immigration and Customs Enforcement

Pete R. Flores
Senior Official Performing the Duties of the Commissioner
U.S. Customs and Border Protection

FROM: Benamine C. Huffman
Acting Secretary

SUBJECT: Enforcement Actions in or Near Protected Areas

This memorandum addresses Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) enforcement actions in or near areas that the Department of Homeland Security (DHS) previously determined require special protection. It is effective immediately. This memorandum supersedes and rescinds Alejandro Mayorkas's October 27, 2021 memorandum entitled, Guidelines for Enforcement Actions in or Near Protected Areas.

Our brave men and women in uniform put their lives on the line every day to advance the rule of law and keep our people safe. As part of that work, officers frequently apply enforcement discretion to balance a variety of interests, including the degree to which any law enforcement action occurs in a sensitive location.

Going forward, law enforcement officers should continue to use that discretion along with a healthy dose of common sense. It is not necessary, however, for the head of the agency to create bright line rules regarding where our immigration laws are permitted to be enforced. The Director of ICE and the Commissioner of CBP may wish to issue further guidance to assist officers in exercising appropriate enforcement discretion.

This memorandum is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

APPENDIX # 4:

SAMPLE “*PUBLIC AND PRIVATE SPACES POLICY*”

[Capitol Hill Lutheran Church] Public and Private Spaces Policy **[address here]**

Purpose

The purpose of this policy is to clearly define the areas of Capitol Hill Lutheran Church located at [address here] – that are considered public versus private spaces, ensuring the safety, confidentiality, and well-being of our congregation, staff, volunteers, and those we serve. This policy also outlines the procedures for access and the legal protections applicable to different areas of the church property.

Definitions

- Public Spaces - Areas that are open and accessible to the public during designated times, such as worship services and community events.
- **Private Spaces** - Areas that are restricted to authorized individuals, including church staff, volunteers, and designated personnel. Entry into these areas requires explicit permission and, in certain cases, legal authorization.

Public Spaces

The following areas are designated as public spaces during worship hours and designated community events:

- Sanctuary 9:30am - 11:30am, every Sunday morning
- Narthex/Lobby - 9:30am - 11:30am, every Sunday morning
- Fellowship Hall - 9am - 10am, every Sunday morning
- Restrooms in Public Areas - accessible to those attending worship from 9am - 11:30am every Sunday morning
- Church Grounds and Parking Lot - accessible to those attending worship 9:30 am - 11:30am every Sunday morning

While these areas are open to the public during worship, church leadership reserves the right to manage access as needed for safety, security, and the well-being of the congregation.

Private Spaces

The following areas are designated as private spaces at all

times, requiring prior authorization or an invitation for entry. In some cases, access may also require a background check:

- Church and Staff Offices
- Classrooms (including Sunday School Rooms)
- Nursery and Play & Pray Areas
- Administrative, Mission and Storage Areas
 - Clothing Closet and Clothing Closet Storage Rooms
 - Urban Bicycle Food Ministry Storage Rooms
 - Mission and Education Hallways
 - Lower Apartment and All Lower Storage Rooms
 - Attic
- Kitchens (when not in use for worship breakfast)
 - Women's Lounge/Restroom and Men's Restroom near the Fellowship Hall
- Meeting Rooms (unless designated for open events)
 - Gathering Room
 - Memorial Lounge
 - Chapel
- Areas where pastoral care, counseling, or confidential meetings occur
- All Restrooms (not located outside of the sanctuary)
- Sanctuary Restrooms (unless designated for open events outside of Sunday morning worship)
- Fellowship Hall (unless designated for open events outside of Sunday morning worship)

Access to Private Spaces

- Only authorized staff, volunteers, or individuals with specific permission may enter private spaces.
- Law enforcement or any government officials seeking entry into private areas must present a **judicial warrant signed by a judge**. Staff and volunteers are not authorized to grant access without consulting church leadership and legal counsel first.
- Private areas will be clearly marked with appropriate signage indicating restricted access.

Confidentiality & Privacy

- Staff and volunteers are expected to maintain

confidentiality regarding the individuals they serve. No personal information about members, visitors, or program participants should be shared without explicit consent.

- Conversations regarding sensitive topics should take place in private areas whenever possible to protect confidentiality.

Enforcement & Compliance

- Certain ushers and designated security volunteers will be responsible for monitoring access to private areas during worship and events.
- If unauthorized individuals attempt to access private areas, they should be politely directed to remain in public spaces.
- Any concerns regarding access violations should be reported immediately to church leadership.

Conclusion

This policy reflects [Church Name]'s commitment to creating a welcoming, secure, and respectful environment for all who enter our space. By designating public and private areas, we seek to balance hospitality with the need for confidentiality, safety, and order.

For questions or further clarification, please contact [Church Leadership Contact Information].

Approved by: [Church Council/Pastor/Leadership Team]

Date of Approval: [Date]

APPENDIX # 5:

SAMPLE PRIVATE PROPERTY SIGNS

WELCOME!



PRIVATE PROPERTY NOTICE

**THIS CHURCH IS PRIVATE PROPERTY.
ACCESS RESTRICTED TO AUTHORIZED
INDIVIDUALS ONLY.**

¡BIENVENIDOS!



AVISO DE PROPIEDAD PRIVADA

**ESTA IGLESIA ES PROPIEDAD
PRIVADA. EL ACCESO ESTÁ
RESTRINGIDO SOLO A PERSONAS
AUTORIZADAS.**

APPENDIX # 6:

SAMPLE “*PROTOCOLS FOR STAFF AND VOLUNTEERS*”

Protocols for Staff and Volunteers Engaged in Mission and Ministry

January 2025 - Rev. Minna Bothwell

OVERVIEW & PURPOSE

Training your team on how to respond to immigration-related inquiries, especially given new laws permitting ICE and Homeland Security access to churches, requires intentional preparation and clear communication.

Before proceeding with these steps, if you suspect ICE or Homeland Security is at the door, immediately contact Pastor _____ to determine the appropriate course of action, including identifying who will contact legal counsel.

Here's how to conduct this training to prioritize safety and well-being:

1. Understand the Legal Context

1. Educate on the Law: Provide a summary of the new laws, focusing on what ICE and Homeland Security are allowed to do and what their limitations are within church settings.
2. See Step-by-Step Guide to Verify the Validity of a Judicial Warrant.
 - a. <https://docs.google.com/document/d/1wuho4oKqMXHiO8Cz4Fdoaej4k751Nr2R5N6CHhPB0s/edit?tab=t.0>

2. Clear Entry Protocols

Develop a general policy for all visitors to ensure consistency and fairness:

1. Have volunteers or staff greet all visitors at the door in a warm, non-confrontational manner.
2. Politely ask, "How can we assist you today?" or "What brings you to our ministry today?" This allows you to determine the purpose of their visit naturally.

3. Train Staff and Volunteers

1. Be Friendly but Observant: Volunteers should be trained to identify any visitors acting in an official capacity (e.g., wearing badges, uniforms, or requesting to speak to someone specific).
2. Know Your Rights: Ensure volunteers and greeters understand that:
 - a. ICE agents and Homeland Security need a judicial warrant to enter private, non-public areas of the church.
 - b. Without a valid warrant, they cannot compel entry or access to private areas.
3. **Role-Playing Scenarios:** Practice how to greet someone who might be an agent calmly and confidently.

4. Volunteers and Staff Must Protect the Privacy of Others

1. DO NOT PROVIDE any information about individuals who use our ministry services.
2. DO NOT PROVIDE any information about individuals unless your legal counsel is present.
3. Never ask visitors about their immigration status, as this could create fear and violate trust.
4. Respond to any individual inquiring **“I can’t answer that. I need my legal counsel present.”**

4. Volunteers and Staff Must Protect the Privacy of Others

5. NOTE: Moving forward, do not share any information about any individual with anyone. These are types of questions someone seeking information may ask. If ANY person asks:
 - a. “Is [name] here right now?”
 - b. “Do you know where [name] lives or works?”
 - c. “When is [name] likely to be at this location?”
 - d. “Oh, I haven’t see [so and so] - when were they here last”
 - e. **Say, “I’m sorry I cannot help you with that.”**

6. If ANY person asks:
 - a. “What services do you provide here?”
 - b. “Who usually comes to this ministry?”
 - c. “Do you keep records of the people you assist?”
 - d. **Say, “We welcome everyone to participate in our ministry without discrimination. I’d be happy to share general information about our programs.”**
7. If ANY person asks:
 - a. “We’re just here to make sure everything is safe. Can you help us out?”
 - b. “You’re doing great work here—mind if we come in and take a look around?”
 - c. “We want to ensure everyone is protected. Do you know of anyone here who might need our help?”
 - d. **Say, “Thank you for your concern. I’ll need to check with our point person before proceeding. Please wait here.”** Contact Pastor and legal counsel immediately.
8. If ANY person asks:
 - a. “What would you do if you found out someone here was undocumented?”
 - b. “Do you think there are any undocumented people using your services?”
 - c. “How do you handle people who don’t have the proper paperwork?”
 - d. **Say, “We focus on providing services to all without discrimination. We don’t ask about or track immigration status.”**
9. If ANY person asks:
 - a. “Can you confirm this name on our list is part of your ministry?”
 - b. “We have information that [name] might be here. Do you recognize them?”
 - c. “Do you know who drives the [specific car] parked outside?”
 - d. **Say, “I’m sorry, I can’t share any personal information. You’ll need to speak with our legal advisor.”**
10. If ANY person asks:
 - a. “Can you give us a list of people who attended your event?”
 - b. “We’d like to see your visitor log to check something.”
 - c. “Do you have any records we can review quickly?”
 - d. **Say, “Our records are private, and I’m unable to share them without proper authorization.”**

Tips for Handling Tricky Questions

1. Stay Calm and Polite: Maintain a neutral tone to avoid escalating the situation.
2. Refer to Policies: Use statements like, ***“It’s our policy not to share that information without authorization.”***
3. Do Not Guess or Speculate: If you’re unsure, say, ***“I’m not able to answer that. Let me refer you to someone who can help.”***
4. Do not volunteer information
5. Direct to Legal Counsel: If pressured, say, ***“I’m not authorized to provide that information. Please wait while I contact our legal counsel.”***

5. Communicate Boundaries Clearly

1. If the individual does not have a valid judicial warrant, kindly explain:
2. ***“We welcome all visitors to our public spaces. However, access to other areas of our church requires proper authorization. If you need further assistance, I can connect you with our legal advisor.”***

6. Verify Official Capacity

1. If someone identifies as an ICE agent or another government official:
2. Ask for Identification: Politely request to see their badge and credentials.
3. Say something like: ***“May I see your identification and credentials so I can verify your visit?”*** Immediately inform them ***“Please remain outside as this is private property. I will contact our legal advisor to connect with you.”***

APPENDIX # 7:

**SAMPLES OF A “*JUDICIAL WARRANT*” AND
AN “*ADMINISTRATIVE WARRANT*”**

Sample of Valid Judicial Warrant

AO 93 (Rev. 12/99) Search and Seizure Warrant

This is a judicial search warrant. It DOES authorize agents to enter your home.

UNITED STATES DISTRICT COURT - Issued by a COURT.

for the
Eastern District of California

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

540 Oak Avenue
Davis, California 95616

Case No.

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer **2:11-SW-0161EFB**

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the EASTERN District of CALIFORNIA
(Identify the person or describe the property to be searched and give its location):
SEE ATTACHMENT A, ATTACHED HERETO AND INCORPORATED BY REFERENCE

Read attachments to make sure they are regarding YOU and YOUR address, not someone else's.

The person or property to be searched, described above, is believed to conceal (Identify the person or describe the property to be seized):
SEE ATTACHMENT B, ATTACHED HERETO AND INCORPORATED BY REFERENCE

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before 5-9-2011
(not to exceed 14 days)

☒ in the daytime 6:00 a.m. to 10 p.m. ☐ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge _____
(Name)

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box) ☐ for _____ days (not to exceed 30).
☐ Until, the facts justifying the later specific date of _____

Date and time issued: 4-25-2011
9:10:00 AM

Signed by a JUDGE

City and state: SACRAMENTO CALIFORNIA EDMUND F. BRENNAN, U.S. MAGISTRATE JUDGE
(Printed name and title)

Source 1 National Immigration Law Center <https://twitter.com/NILC/status/1149755946081538049?s=20>

Sample of ICE Authorization Form - **INSUFFICIENT**

This is issued by DHS, NOT a court

U.S. DEPARTMENT OF HOMELAND SECURITY Warrant for Arrest of Alien

File No. _____

Date: _____

To: Any immigration officer **authorized** pursuant to sections 236 and 287 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 records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/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 notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

Signed by an immigration officer, NOT a judge

(Signature of Authorized Immigration Officer)

(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 _____ (Name of Alien) 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)

This is an ICE administrative warrant. It does NOT authorize immigration agents to enter your home!

Form I-200 (Rev. 09/16)