



## **IMMIGRANT PROTECTION & SAFETY PROTOCOL REGARDING INTERACTIONS WITH IMMIGRATION AGENCIES**

**PROCEDURES:** What to do if any agents or employees from ICE should attempt to enter our diocesan or parish property, buildings or facilities.

1. Each parish and ministry site, the diocesan campus, or any of the diocesan properties, should have —ahead of time— designated a member(s) of that particular community to be the liaison to legal counsel and the Diocese, and to oversee and guide the other members through these procedures.
2. Staff, clergy, parishioners or volunteers (hereinafter, “Church Member”) who encounter ICE agents in the church’s private property should inform them that they do NOT have consent to conduct any unauthorized activity, and that they must leave the property unless they have a valid Judicial Warrant. An Administrative Warrant (aka an ICE Warrant) is insufficient, and does not require ICE be allowed to enter or remain on private property. Even if the church is holding an event that is generally open to the public, a Church Member can still ask an ICE agent to leave the church’s private property if the agent does not have a Judicial Warrant. If an ICE agent is asked to leave private property, the ICE agent must then leave the property unless it has a Judicial Warrant or claims there are exigent circumstances.
3. If agents claim to have a Judicial Warrant or subpoena, Church Member should request a copy of it, verify its validity (see Paragraph 4 below), and document the agents name(s) and contact information (by asking for a business card, or name and badge number, or if it appears on the Warrant). Also ask agents to wait at a specified location, and immediately contact another designated Staff member for back-up, assistance and to serve as an additional witness. Contact legal counsel if possible and please let the Bishop’s Office know that there has been an encounter by forwarding a report of the incident to [legal@dioceseli.org](mailto:legal@dioceseli.org) or by calling the office at (516) 248-4800.
4. Church Member should review the warrant to ensure that: a) it is signed by a judge or magistrate, b) it accurately describes the property/building(s) as the place(s) to

be searched, c) it has the correct date and was issued within the past 14 days, and d) the search does not exceed the scope of the items authorized to be searched.

5. Church Member should be aware of common ICE statements to gain access without a Judicial Warrant, such as, “We are investigating a crime. Can you help us identify this person?” and “Is [name] here? We just need them to step into the hallway to talk to them.” If the ICE agents do not have a Judicial Warrant, Church Member should say, “You do not have consent to be on our property. I do not want to answer any questions, please leave your contact information, and please leave,” and then escort them off of the property. If ICE agents refuse to leave, Church Member should re-state their non-consent clearly and document all activity (see “Reporting Procedures” 2-pager) and contact legal counsel as soon as possible.
6. Church Member may advise any person who is the subject of ICE inquiry or action, that they have the right to remain silent -- but should not direct subject not to answer questions. Church Members may not assist subject in escaping or hiding.
7. If there is a Judicial Warrant, Church Member should state that they are not authorized to answer questions without advice of legal counsel.
8. Church Member should likewise not disclose information on the subject’s legal status or other personal information and inform the agents that it is the Church’s policy not to release information without the person’s consent, unless disclosure is required by judicial order or subpoena specifically requiring the release of the information, or otherwise required by law.
9. Church Member may record any interactions with the agents, but they must announce that they are doing so, and should remain a reasonable distance from such incidents so as not to interfere.
10. Church Member and subjects of ICE inquiry or action should know (or be informed) that if they are engaged in questioning by immigration agents, they can ask the agents if they are free to go. If the agent says yes, they are free to leave. If the agent says the person is not free to go, they should explain that they would like the opportunity to consult with an attorney and otherwise remain silent.

[These procedures are in keeping with current federal, state and local laws. Original template created by NYLPI and Lawyers Alliance. Updated and edited January 27, 2025 by the Rev. Cn. Marie A. Tatro, EDLI]