



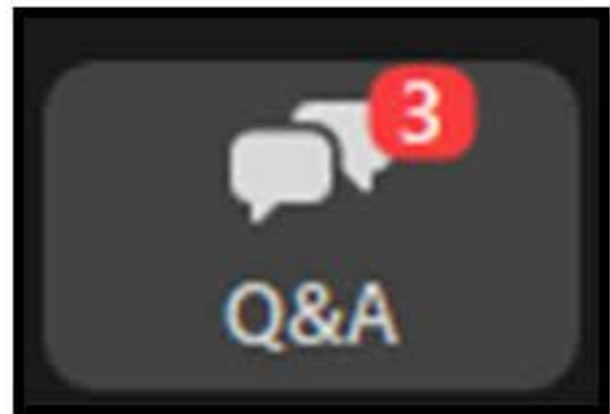
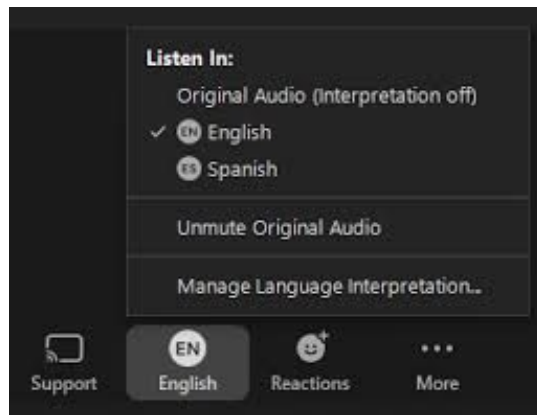
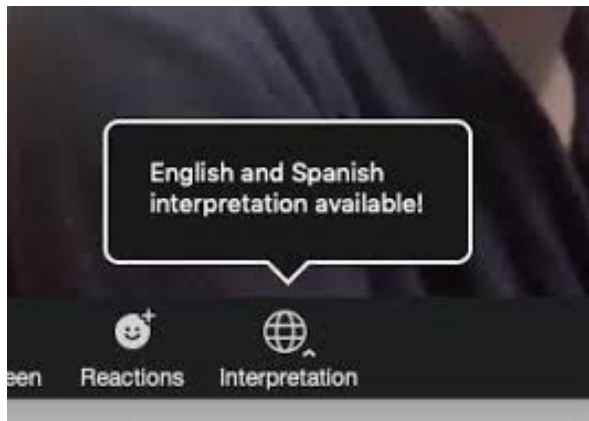
BROOKLYN • QUEENS • NASSAU • SUFFOLK

HOUSES OF WORSHIP **KNOW YOUR RIGHTS**

THURSDAY, FEBRUARY 13TH | 1:00 - 2:30 PM | ZOOM



A NOTE ON INTERPRETATION & QUESTIONS



WELCOME AND OVERVIEW



THE
EPISCOPAL DIOCESE
OF LONG ISLAND

- I. Welcome
- II. Our Speakers
- III. Presentation:
 1. Immigration Enforcement Trends & the Rescission of the Sensitive Locations Memo
 2. Houses of Worship & Legal Rights
 3. An Overview of Immigration Legal Services & Resources for Community Members
- IV. Questions & Answers

OUR SPEAKERS



KYLE BARRON
*Staff Attorney,
The Legal Aid
Society*



ALINA DAS
*Professor &
Co-Director, NYU
Immigrant Rights Clinic*



JESSICA GREENBERG
*Legal Director,
Central American
Refugee Center
(CARECEN)*



LIZ REINER PLATT
*Director,
The Law, Rights, &
Religion Project at
Columbia Law
School*

IMMIGRATION ENFORCEMENT TRENDS

Policy Tracker:

<https://immpolicytracking.org/>

Litigation Tracker:

<https://www.justsecurity.org/107087/tracker-litigation-legal-challenges-trump-administration/>

<https://clearinghouse.net/post/1175/>

Legislative: Laken Riley Act

Practice advisory:

<https://nipnl.org/work/resources/practice-advisory-laken-riley-acts-mandatory-detention-provisions>

IMMIGRATION ENFORCEMENT PROTECTIONS

New York City Laws

- Detainer laws: *NYC Admin Code § 9-131 (NYC Dep't of Corrections); NYC Admin Code § 14-154 (NYC Police Dep't); NYC Admin Code § 9-205 (NYC Dep't of Probation)*
- Law Prohibiting the Use of City Resources for Immigration Enforcement: *NYC Admin Code § 10-178*
- Law Prohibiting Federal Immigration Authorities from Entering City Property: *See NYC Admin Code § 4-210.*
- Law Preventing City Data from Being Misused for Federal Immigration Enforcement: *See NYC Admin Code § 23-1201 to 1205.*

New York State Laws

- Executive Order 170 & 170.1
- Protect Our Courts Act:
<https://www.immigrantdefenseproject.org/wp-content/uploads/2020/10/Community-FAQ-POCA-EN-1.pdf>
- *Francis v. DeMarco*:
- <https://www.nyclu.org/uploads/2018/01/NYCLU-Francis-Decision-Practice-Advisory-202516.pdf>

IMMIGRATION ENFORCEMENT TRENDS: NYC

THE  **CITY**

REPORTING TO
NEW YORKERS

One Hundred NYC Immigrants Arrested in Week One of Trump ICE Raids

Little is known about where many of those arrested are being held, and immigration lawyers tell THE CITY they have had difficulty locating and contacting those detained.

BY REUVEN BLAU AND GWYNNE HOGAN | FEB. 5, 2025, 6:40 P.M.

POLITICO

NEW YORK

Eric Adams releases updated ICE guidance after backlash


The New York City mayor had been taking heat for instructions given to city workers last week.

IMMIGRATION ENFORCEMENT TRENDS: *Long Island*



REVOCAION OF THE SENSITIVE LOCATIONS MEMO


Secretary
U.S. Department of Homeland Security
Washington, DC 20538

 **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: Benjamin 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.

www.dhs.gov

- On Jan. 20, DHS changed its decades-old policy and now permits immigration enforcement at “sensitive” locations including houses of worship.
- Legal challenges include:
 - Democracy Forward: [*Philadelphia Yearly Meeting of the Religious Society of Friends et al. v. U.S. Department of Homeland Security*, No. 8:25-cv-00243 \(U.S. District Court for the District of Maryland\)](#)
 - Georgetown ICAP: [*Mennonite Church et al. v. U.S. Department of Homeland Security*, No. 1:25-cv-00403 \(U.S. District Court for the District of Columbia\)](#)

HOUSES OF WORSHIP: CONSTITUTIONAL RIGHTS

The First Amendment

Protects our freedom of speech, assembly, exercise of religious beliefs

The Fourth Amendment

Protects us from unreasonable searches and seizures

The Fifth Amendment

Protects our right to remain silent

Express Your Non-Consent and Then Exercise Your Right to Remain Silent:

“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.”

Why? Because ICE needs a Judicial Warrant (or “exigent circumstances”) to enter private property to conduct immigration enforcement, unless it is entering a space that is generally open to the public. But even for a public gathering held on private property, the private property owners and their designees can ask ICE to leave if they do not have a Judicial Warrant (or “exigent circumstances”). If ICE violates the 4th Amendment, this may provide a defense to the immigration enforcement action.

HOUSES OF WORSHIP: CONSTITUTIONAL RIGHTS

JUDICIAL WARRANTS v. IMMIGRATION WARRANTS

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

UNITED STATES DISTRICT 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)

Case No. _____
Davis, California 95616

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

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 from 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 _____ day(s) (not to exceed 30)
 Until, the facts justifying, the later specific date of _____

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

City and state: SACRAMENTO, CALIFORNIA

Edmund F. Brennan
EDMUND F. BRENNAN, U.S. MAGISTRATE JUDGE

Is this the right address?

Is it still current?

Note: only the person, property, & areas specified may be searched

Is it actually signed by a judge?

IF THE ANSWER TO ALL OF THESE IS YES, THEN IT IS LIKELY A VALID JUDICIAL WARRANT

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement
WARRANT OF REMOVAL/DEPORTATION

File No: _____
Date: _____

To any immigration officer of the United States Department of Homeland Security:

(Full name of alien) _____
who entered the United States at _____ on _____
(Place of entry) (Date of entry)

subject to removal/deportation from the United States based upon a final order by:

- an Immigration judge in exclusion, deportation, or removal proceedings
- a designated official
- the Board of Immigration Appeals
- a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

THESE ARE VISUAL CUES THAT THIS IS AN IMMIGRATION WARRANT

(Signature of immigration officer) _____
(Title of immigration officer) _____

SAMPLE



The Religious Freedom Restoration Act (RFRA)

A two-step test; different parties each prove a different step.

- 1) Step one: The government may not place a **substantial burden** on your **sincere religious exercise**.
- 2) Step two: UNLESS the government can show that this burden is **necessary** to advance a **compelling government interest**.

RFRA (Cont'd)

Step One: The government may not place a **substantial burden** on your **sincere religious exercise**.

- Protects all people and organizations of faith, no need to be a faith leader or explicitly religiously affiliated.
- Your acts have to be religiously *motivated*, not religiously *required*.
- Your beliefs do not have to adhere to formal/official doctrine; nonconformist religious beliefs are equally protected.

RFRA (Cont'd)

Step Two: UNLESS the government can show that this burden is **necessary** to advance a **compelling government interest**.

- The government has to show a compelling interest in enforcing the law *on the religious objector specifically*—an overarching interest in “border control” shouldn’t be sufficient.
- The existence of exemptions/limits in a law can undermine the claim that it’s narrowly tailored to a compelling government interest.

RFRA (Cont'd)

- Note: RFRA creates a right to religious exemptions from a law or policy. It cannot strike down a law.

FREE EXERCISE CLAUSE

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.”

- The current Free Exercise Clause test, in theory, states that people of faith must generally abide by laws that are **neutral** and **generally applicable**— ie, laws that do not *discriminate* based on religion.
- This is why RFRA provides a far more expansive right to religious exemptions.

FREE EXERCISE CLAUSE (cont'd)

- However, the Court found in *Tandon v. Newsom* (2021) that laws and policies with *any exception* should not be considered **neutral** and **generally applicable**.
- This swallows the rule above since essentially all laws have exceptions.
- If a law is not neutral and generally applicable, then the same test used in RFRA applies.
- It's not clear that the Supreme Court will stick to its decision in *Tandon v. Newsom*, which was made on the “shadow docket” (i.e., through a

Religious Liberty & Immigration Lawsuits

- **No More Deaths cases:** RFRA protects the right of people of faith to leave food and water in the desert for migrants.
- **Dousa v. DHS:** The government violated the rights of a Pastor when it emailed the Mexican government asking it not to let her into Mexico.
- **Right to feed/shelter people:** Religious nonprofits have a right to provide food and shelter.

Religious Liberty & Immigration Lawsuits

Settled:

- **Rodriguez v. Sessions:** Challenge to deportation.
- **Austin Sanctuary Network v. Mayorkas:** Claim brought by women living in sanctuary churches.

Ongoing:

- **Philadelphia Yearly Meeting v. DHS & Mennonite Church v. DHS:** Challenges to withdrawal of the sensitive locations memo.
- **Paxton v. Annunciation House:** state RFRA case.

Religious Liberty & Immigration Lawsuits

- Very few cases challenging harboring enforcement on religious grounds:
 - 1980s Sanctuary Movement cases lost, but religious liberty protections were weaker during this time.
 - **U.S. v. Good (2019)**—district court case in Nebraska.

HOUSES OF WORSHIP: MITIGATING RISKS

Are there risks to providing support to non-citizens?

- **Historically, providing services to noncitizens is not something that runs afoul of the law**
 - Particularly if they are services offered to anyone

Federal harboring statute

18 U.S.C. § 1324(1)(A) - Bringing in and harboring certain [non-citizens]

(iii) knowing or in reckless disregard of the fact that a [non-citizen] has come to, entered, or remains in the United States in violation of law, **conceals, harbors, or shields from detection, or attempts to conceal, harbor, or shield from detection**, such [noncitizen] in any place, including any building or any means of transportation;

(iv) [intentionally] **encourages or induces [Criminal solicitation or facilitation] a[] [noncitizen] to come to, enter, or reside** in the United States, knowing or in reckless disregard of the fact that such coming to, entry, or residence **is or will be in violation of law**

Supreme Court also left open the question of whether harboring can even be applied to facilitating remaining in the country if remaining in the country is not a crime (not just a civil/administrative violation)

HOUSES OF WORSHIP: MITIGATING RISKS



Federal harboring statute (in the Second Circuit - which includes New York)

“Encompasses conduct tending substantially to facilitate a[] [noncitizen]’s remaining in the United States illegally and to prevent government authorities from detecting his unlawful presence.”

- Separate section for transporting and employers
- There is an exception for religious vocation or ministry or as a religious volunteer, but they must have been a member for at least a year

HOUSES OF WORSHIP: MITIGATING RISKS

What kind of conduct is NOT considered harboring?

- **Supreme Court:**
 - A minister who welcomes undocumented people into the congregation and expresses their love and support
 - A government official who instructs undocumented members of the community to shelter in place during a natural disaster



HOUSES OF WORSHIP: MITIGATING RISKS

What kind of conduct should NOT be considered harboring?

- Other examples that have generally not been considered harboring:
 - Providing know your rights presentations
 - Pro se immigration clinics
 - General announcements about ICE sightings
 - Protesting for immigrant rights
 - Posting bond, attorney coordination, letter-writing campaigns
 - Providing legal services
 - Treating someone like you would treat anyone



HOUSES OF WORSHIP: MITIGATING RISKS

What kind of conduct is considered harboring?

- Not just helping people
- You also have to shield them from the detection of the government

Generally people charged and convicted under the statute have done things like:

- Transported someone across the border and shielded them from immigration officials
- Arranged fraudulent social security numbers or marriages, etc.
- Often involves making money doing these things

Most risky: Affirmatively helping people avoid detection

Less risky: Activities that are status agnostic

OVERVIEW OF LEGAL SERVICES & RESOURCES FOR COMMUNITY MEMBERS



CARECEN

Central American Refugee Center

Long Island Immigration Legal Service Provider

Proveedores de Servicios Legales de Inmigración de Long Island

CARECEN (Brentwood)

652 Suffolk Avenue, Suite 210
Brentwood, NY 11717
(631) 273-8721

CARECEN (Hempstead)

250 Fulton Avenue, Suite 200
Hempstead, NY 11550
(516) 489-8330

Catholic Charities of Long Island

143 Schlegel Boulevard
Amityville, NY 11701
(631) 789-5210

Empire Justice (Central Islip)

320 Carleton Avenue, Suite 4100
Central Islip, NY 11722
(631) 533-5240

Empire Justice (Hempstead)

50 Clinton Street, Suite 609
Hempstead, NY 11550
(631) 533-5240

Hofstra Law School – Asylum Clinic

Joan Axxin Hall
Hempstead, NY 11549
(516) 463-6315

Hofstra Law School – Deportation Defense Clinic

Joan Axxin Hall
Hempstead, NY 11549
(516) 463-4607

Hofstra Law School – Youth Advocacy Clinic

Joan Axxin Hall
Hempstead, NY 11549
(516) 463-473

Justice for Our Neighbors

130 West Old Country Road
Hicksville, NY 11801
(212) 870-3785

Long Island Immigration Clinic

164 3rd Avenue
Brentwood, NY 11717
(631) 966-4148, ext. 103

Make the Road New York

1090 Suffolk Avenue
Brentwood, NY
(631) 231-2220

OLA of Eastern Long Island

2 Newton Lane
East Hampton, NY 11937
(631) 899-3441

Safe Passage Project

399 Conklin Street, Suite 200
Farmingdale, NY 11735
(212) 324-6558

SEPA Mujer

110 North Ocean Avenue
Patchogue, NY 11772
(631) 980-2555

Touro Law School – Immigration Advocacy Rights

15 Grumman Road West, Suite 1000
Bethpage, NY 11714
(516) 465-4700

Office of New Americans Hotline:
1 (800)-566-7636

Directory of Legal Service Providers:
<https://www.immigrationadvocates.org/non-profit/legaldirectory/search?state=NY>

OVERVIEW OF LEGAL SERVICES & RESOURCES FOR COMMUNITY MEMBERS: NYIFUP & RRLC

New York Immigrant Family Unity Project:

- A person is eligible for NYIFUP representation if they are either:
 - Detained and they have a pending immigration case at a NYC Immigration Court (usually means Varick) OR
 - **A NYC** resident, detained, and venued at Elizabeth Immigration Court
 - If someone has significant NYC ties (e.g. employed or enrolled in school in NYC) reach out to see if they are eligible
- How to make a referral - please refer by sending name, A# (please ask for complete A number wherever possible), DOB (send the email to all three organizations):
 - BXD: nyifupintake@bronxdefenders.org
 - LAS: nyifup@legal-aid.org
 - BDS: NYIFUPintake@bds.org

New York City Rapid Response Legal Collaborative (waitlist):

<https://airtable.com/appE1N3KTjEH0wcJb/shrjW9kZfQIjdEJtl>

ADDITIONAL RESOURCES

Episcopal Diocese of Long Island Guidelines & Procedures:

<https://www.dioceseli.org/what-we-do/resources/reporting-procedures-after-ice-encounter>

https://www.dioceseli.org/sites/default/files/2025-01/20250128Guidelines.ImmigProcedures%28Final%29_3.pdf

Interfaith Center of NY General Sanctuary Guidelines:

<https://interfaithcenter.org/general-sanctuary-guidelines/>

Religious Freedom Restoration Act FAQs:

<https://lawrightsreligion.org/our-work/rfra-immigration-faq>

QUESTIONS & ANSWERS