

## CHURCH IMMIGRATION RAIDS & DATA SECURITY SUGGESTIONS

January 31, 2025 (Updated)

The most important issue is distinguishing between areas of the church that are open to the general public (for which ICE does not need a judicial warrant to enter) and private areas (for which ICE needs a judicial warrant signed by a federal judge to enter).

Law enforcement may enter private areas of churches only if:

1. A person with authority lets them in; or
2. They have a judicial warrant that is:
  - a. Signed by a federal judge;
  - b. Specifically names the church location; and,
  - c. States the scope or purpose of the warrant.

Law enforcement may not enter a private area of a church with a judicial arrest warrant that does not name the church location.

Law enforcement may not enter a church with an administrative “Warrant of Deportation” that is not signed by a federal judge. ICE will often try to use this technique instead of getting a judicial warrant. Please see the attached/following for more information. <https://projectsouth.org/wp-content/uploads/2023/04/Warrant-Fact-Sheet.pdf>

### **Steps churches should take:**

- A. Designate and physically mark private areas of the church (e.g. sacristy, children’s room, nursery, etc.) with appropriate visible signage, such as “Private.”
- B. Designate “Door Watcher” and Greeter
  1. Designate one or two people (the “Designated Person”) to be the only person to speak with law enforcement if they arrive at the church. Insist that no one else speak to law enforcement.
  2. The Designated Person should remain outside the church at the entry throughout the service.
  3. All outside doors should be locked to prevent unsupervised entry during the service.
  4. If ICE or other law enforcement arrives, the Designated Person should ask, “Do you have a judicial warrant signed by a judge that specifically names this church?”
    - a. If yes, a warrant, the Designated Person should carefully read the warrant, determine if it is signed by a judge and if it lists the address of the church.

If so, the Designated Person should ask ICE to wait and then bring the person in authority at the time to review the warrant, and allow law enforcement entry.
    - b. If no, no warrant, the person should say, “Officer, respectfully, the church does not authorize you to enter the building and asks you to either leave the premises or wait in the parking lot while we call the church’s attorney.”
    - c. Request ICE or law enforcement to wait until the service is over. It’s their option, however.

d. There should be a way to advise everyone of what is happening, Clergy should be ready to assume this role.

5. Have a list of attorneys ready, and make sure the Designated Person has that list. A Signal Group (see below) would be good for this.

6. Being firm, but polite, is good.

C. “Know Your Rights” and the “Red Card”

1. Make a “know your rights” training available to the congregation. This training should include a discussion of the right to remain silent, the right to an attorney, the importance of not running away (which may be “reasonable suspicion” for questioning or “probable cause” for arrest), and the knowledge to ask whether they are being detained.

2. Have “know your rights” flyers/cards in the pews and in the bulletin like the following: <https://www.ilrc.org/red-cards-tarjetas-rojas> (“la tarjeta roja,” “the red card”)

D. What to do if ICE or police enter

1. If ICE or other law enforcement enters without permission and without a judicial warrant, do not attempt to hinder them in any way. Remain calm and say “The church does not authorize your entry or search of these premises.”

2. The Designated Person should immediately contact the attorney group and the partner church group and let them know the situation.

3. Continue the service robustly.

4. Everyone should take out their phones and visually record what is going on.

5. If questioned by ICE or the police, no one should give more than their name and politely decline to answer any further questions. It’s their right. Shows solidarity, and prevents focus on those who exercise their right.

6. This would be an appropriate time for robust congregational singing, perhaps “We Shall Overcome.”

7. If anyone has moved into a marked “Private” room, ICE would need a specific warrant for the room. If they decide to get a warrant, they can post a person at the door until the warrant is obtained.

8. Allow ICE and law enforcement to complete their investigation.

E. Partner with other churches

Partner with other churches and agree that if a church is the site of an enforcement action, the other churches will assist in whatever way they can and will assist in contacting attorneys, etc. Creating a Signal Group (see below) is a good way to do this.

F. Showing solidarity

Gathering and distributing food, clothing (especially for kids and babies), toys, kids' books (reading, coloring, and craft books).

*Immigration Raids, p.3*

## **DATA SECURITY SUGGESTIONS**

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### **Move Calls and Texts to Signal or WhatsApp**

Last month, the FBI & Cybersecurity and Infrastructure Security Agency (CISA) jointly warned that phone and text messages by cell phone are NOT private. In an unprecedented move, they recommend moving conversations to end-to-end encrypted communications through apps like Signal or WhatsApp. You should operate as though all cell phone calls and mobile phone sms text messages are monitored.

Signal is the most secure application, created by a nonprofit specifically for communications privacy. All it requires is your phone number and first name. WhatsApp is more widely used, but along with other apps made available for free by for profit entities, you are the product.

### **Protect Your Location Information**

There are ways that third parties, including government and political actors, can use the information provided by apps, including WhatsApp, to locate and determine the precise location of individuals and clusters of individuals in real-time. One way to protect yourself and those you are meeting with is to disable geolocation on the app AND your phone.

The surest way to protect one's phone from being tracked is by turning it off. The second safest is using airplane mode and disabling location services. Consider whether you should take these steps before leaving for a sensitive meeting so as not to disclose the meeting location to trackers.

Set up 2-factor or multi-factor authorization. This makes it much more difficult for third parties to access your emails, messages, and files. Turn it on and require users to enable 2-factor authentication.

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***This memo is for educational purposes and should not be taken as legal advice. Please discuss***

*these issues with your attorney.*