

Guidance on

IMMIGRATION ENFORCEMENT ACTIVITY

on Church and School Property

**North American Division of Seventh-day Adventists
Office of General Counsel¹**

*This document has been reviewed and is supported
by the NAD officers and the Union presidents.*

The U.S. president has rescinded immigration enforcement policies that previously treated churches, schools, hospitals, and similar spaces as “sensitive locations.” This change means that Seventh-day Adventist properties will no longer receive special consideration or protection from immigration or other government agency enforcement. It does not necessarily mean that these areas will be targeted. Even with these protections removed, rights afforded by the U.S. Constitution are still in place should law enforcement seek to enter what were previously considered to be sensitive areas. These rights exist precisely because of the intrusive and disruptive nature of government activity in private spaces.



Guidance on **IMMIGRATION ENFORCEMENT ACTIVITY** on Church and School Property

Pastors and other church workers serve those who have a range of immigration statuses. This commonly includes U.S. citizens, green card holders, those here on various types of visas, those who may have overstayed their visas, and those who may have entered the country without authorization. The Seventh-day Adventist Church makes neither membership nor attendance contingent on someone's immigration status. Everyone is welcome to worship with us.

The following is designed to give general legal guidance on how to deal with the possibility of enforcement of U.S. immigration laws on Adventist properties, including churches, schools, and other spaces. This guidance, while designed to protect our ministry, is not meant to obstruct or interfere with law enforcement activity. It is intended to address issues faced by the Adventist Church as an entity, rather than to provide legal advice for individual members or attendees.

1. How do I respond if law enforcement² officers show up at church, school, or other church property seeking to enforce immigration laws?

- If officers show up for routine immigration enforcement activities, you should not consent to their entry onto the church's property. If they are already on the premises, you should politely but firmly ask them to leave. If they refuse to leave, you should reiterate your request and document their subsequent activities.³
- There should be only one person talking with the officers, and not multiple individuals trying to get involved. The person refusing entry should be either a pastor, elder, principal/head teacher, or other assigned leader on site. All communication should be calm and professional. Do not threaten to file a lawsuit or to report law enforcement actions to authorities or to the media.
- It is important that no one says or does anything that suggests consent to the law enforcement officers entering the property. Officers may attempt to gain consent, sometimes by making threats or using aggressive language. This should be met with firm and clear refusal, such as: "We do not consent to you entering this property."

2. Should I ask law enforcement officers if they have a warrant?

- You do not need to ask if they have a warrant, but if they present one, ask to examine it and take or ask for a copy. If they have a warrant, they will come onto the property whether or not you consent. In this case, do not obstruct them.
- As has been discussed in the media, there are many types of warrants that give law enforcement different levels of authority. However, your response will be the same regardless of the type of warrant presented or if no warrant is presented. You should not consent to their entry, but you should not obstruct their entry if they proceed. You do not need to answer questions or provide documents.



Guidance on **IMMIGRATION ENFORCEMENT ACTIVITY** on Church and School Property

3. If law enforcement does not have a warrant, should I physically resist their entry?

- No. An important principle of constitutional law is that individuals are not entitled to engage in “self-help.” This simply means that, even if the government is overstepping its bounds, the appropriate way to address this is through the courts or administratively, not while law enforcement is on site.
- Even if government agents are acting in what you believe is an unlawful manner, no one should ever seek to physically interfere, block, or obstruct their actions. The appropriate response is to clearly state your objection and document their subsequent actions. Any alleged illegal conduct by law enforcement can be addressed later.
- Pastors, principals, and other church leaders should check the identification of those who purport to be law enforcement officers. Asking for identification or credentials is entirely appropriate. If there is a legitimate reason to doubt that they are law enforcement officers, calling 9-1-1 is the appropriate response. This should be done only if you truly doubt their identity, not if you simply question their conduct.
- Following any interaction with law enforcement, you should immediately advise church legal counsel through your local conference. Church attorneys will provide further legal guidance and a legal response, if appropriate.

4. What if immigration authorities are waiting outside church property?

- Law enforcement does not need special permission or your consent to be on roads, sidewalks, or other public spaces near church property.

5. What if law enforcement comes onto church property in “hot pursuit” of an individual?

- In the event law enforcement officers show up on church property in active pursuit of an individual or during an emergency situation, your response may be different. If there is an immediate threat to life or safety, the powers of law enforcement are greater. No one should attempt to interfere with or obstruct officers.
- Once the emergency situation ends, however, you should ask law enforcement to leave the property as soon as practical so ministry can resume. You should also make clear to officers that while they are on the premises they are not free to begin routine law enforcement activity. It is appropriate to ask them to leave.

6. Can I warn individuals who are being sought by law enforcement officers?

- You should take care not to interfere with an enforcement action by alerting or advising an individual that law enforcement is looking for them. This could constitute obstruction of justice if your purpose is to assist their flight.



Guidance on **IMMIGRATION ENFORCEMENT ACTIVITY** on Church and School Property

7. How do I respond if law enforcement officers request any documents or ask for information?

- If law enforcement officers request documents or other tangible items, you should obtain a written description of the documents they are seeking. You should not provide any documents or information, but you should advise officers that an appropriate individual will follow up. Advise conference leadership immediately, and church attorneys will respond.
- You have no obligation to speak with law enforcement, nor to answer any questions beyond identifying yourself. You should not answer any questions but rather advise law enforcement that an appropriate individual will follow up. Advise conference leadership immediately, and church attorneys will respond.

8. What advice should I give to those who are concerned about their immigration status?

- Individuals with immigration questions are best served by those who understand the complexities of immigration law. Pastors, principals, and other church leaders should exercise extreme caution if church members seek immigration advice. They should, instead, refer individuals to qualified and authorized professionals.
- Pastors can also direct interested individuals to a range of online resources, such as those listed below. The North American Division has not fully vetted nor does it endorse the following organizations.

National Immigration Law Center

<https://www.nilc.org/resources/>

American Immigration Council

<https://www.americanimmigrationcouncil.org>

American Immigration Lawyers Association

<https://www.aila.org>

1 In collaboration with the General Conference Office of General Counsel.

2 Law enforcement in this document means any state or federal law enforcement officers who are engaged in immigration enforcement operations.

3 Documentation could take several forms, including observing and taking notes or recording video. You are entitled to use your phone or other device to record the actions of law enforcement officers so long as you are not interfering with their activities.



**Seventh-day
Adventist® Church**

NORTH AMERICAN DIVISION