

**Information for Churches Regarding Executive Orders Related to
Sanctuary Churches, Refugees, and Immigrant Populations
January 23, 2025**

On January 20, 2025 the current Administration issued several Executive Orders which affect churches that serve or otherwise interact with Refugee and Immigrant populations. This document is to provide a brief introduction for understanding of what has and what may happen. As the extent of action is broadly defined within the Orders, only its execution and subsequent legal challenges will define the parameters of the affects. The links in this document will take you to sources of the information and other resources.

What is an Executive Order? It is an order “issued by or on behalf of the President, usually intended to direct or instruct the actions of executive agencies or government officials, or to set policies for the executive branch to follow”. *Black’s Law Dictionary, 8th ed.* An Executive Order [“Order”] has effect without departmental review or congressional action. It is susceptible to reversal or limitation through court action upon constitutional grounds if challenged.

What is a Sensitive Location? A Sensitive Location (also known as a Protected Area) were areas that immigration enforcement actions would not occur, such as schools, healthcare facilities, places of worship, places where children gather, social service establishments, courthouses, emergency response sites, and activities such as parades, demonstrations, or rallies.

Is Sanctuary Status different from a Sensitive Location? Yes and no: the ELCA became a sanctuary denomination through action at the 2019 ELCA Churchwide Assembly in Milwaukee. [“In its simplest form, becoming a sanctuary denomination means that the ELCA is publicly declaring that walking alongside immigrants and refugees is a matter of faith.”](#) Places of worship – churches – on the whole are considered Sensitive Locations.

What has Changed? The Executive Orders issued thus far have [rescinded the Sensitive Location status of churches](#), authorizing immigration agencies to enter Sensitive Locations for enforcement actions. This means that enforcement agents can enter church to search for immigrants and refugees. The only limitation on areas which they can enter is dependent on what areas are “private” or “public”. A private area is one where entry is limited to certain persons, e.g. a parsonage or the pastor’s office; a public area is one where the general public can enter such as a lobby or the worship area. Enforcement agents are required to have a search warrant signed by a judge to enter a private area.

Can Enforcement Agencies enter a Church without a Warrant? The rescission of Sensitive Locations status allows enforcement agents to enter “public” areas of the Church without a warrant; however, areas identified as “private” require a warrant signed by a judge for entry unless invitation or permission to enter is given. Definition of “public” or “private” areas should be identified by the Church and clearly visible with signage.

What Should We Do? The National Immigration Law Center offers assistance:

IMPORTANT STEPS FOR ALL FORMERLY PROTECTED AREAS:

- Develop a written response policy & preparedness plans in advance.
- Designate an authorized person to review warrants & subpoenas.
- Understand the distinctions between public and private areas.
- Train non-authorized staff & volunteers on how to respond to ICE requests.
- Document all interactions with immigration enforcement.
- Connect with immigration response networks in your area.

Also clearly identify “private” and “public” areas through signage, and understand the [legal implications](#) of defining the Church as a sanctuary.

When Should We Start? Now. It is important to be prepared before any incident occurs. If you know or serve immigrant or refugee populations tools available to you are:

[AMMPARO](#) (an ELCA organization that has an excellent list of resources)

[ReadytoStay](#) (an information poster/card to post or hand out)

[Know Your Rights](#) (prepared by the American Immigration Lawyers Association)

[Know Your Rights](#) (Workplace)

More tools will be added as they are made available.

This is a very brief introduction to help congregations deal with an emerging situation. Information will be updated as it becomes known. For more information, contact [Rev. Kim Lengert, Esq.](#), Attorney for the Southeastern Pennsylvania Synod, ELCA.