

First UU San Diego--Sanctuary FAQ

(Adapted from Sanctuary Toolkit from the UU College of Social Justice, Revised 3/18//2018)

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Additional Resources at <http://www.firstuusandiego.org/sanctuary>

Why does a person need sanctuary?

Generally, people enter sanctuary because they have received a final order of deportation but believe that they have a legitimate case that either has not been thoroughly presented or appropriately argued before an immigration judge, and/or their immigration attorney believes they may be eligible for prosecutorial discretion. Often there are extenuating circumstances that could or should have been raised in their defense of deportation that were not, due to expedited rulings, lack of or inadequate counsel, etc.

Is providing Sanctuary illegal? Can we be arrested or charged with harboring an alien, or some other immigration related crime?

Because sanctuary is most commonly provided in conjunction with a public declaration of who the person in Sanctuary is, and why they are being provided sanctuary, there is not an intent to conceal. It is also important to note that no congregations have been prosecuted for providing sanctuary in the past forty years.

Could they take away our nonprofit status?

Declaring sanctuary and providing shelter to someone in need is an act of faith and an act of justice. It is not a campaign or electioneering act. Churches are considered nonprofits, and nonprofits are prohibited from engaging in political campaign activity, which is generally determined by supporting or opposing a candidate for elected office. However, nonprofits are free to advocate for political issues and publicly criticize policies and elected officials. As such, declaring or providing Sanctuary should not have any impact on nonprofit status.

What stops ICE, Border Patrol or local law enforcement from coming in and arresting someone in sanctuary?

Faith communities (churches, temples, mosques, etc.) are one of the enumerated "sensitive locations" identified by the Department of Homeland Security (DHS) as locations where immigration enforcement actions (interview, arrest, searches, and surveillance) should not occur. It is important to note that this is DHS policy, and not law. The longstanding policy was clarified in a DHS memo in 2011.¹¹ It is unknown if the DHS will change this policy in the future.

Could President Trump ignore or override the Sensitive Locations memo?

Yes. Although it is possible, there is a long history of recognizing the sanctity of faith communities, and in the past when this has been challenged, faith communities have joined together to demand the continued respect of this sanctity, even when the groups agreed on little else.

Will our insurance cover someone staying in sanctuary?

Robie, our Director of Operations, has gone through our insurance policy in depth and found nothing that would prohibit us from hosting someone in sanctuary. As well, we believe that we are covered in this regard because we already host folks overnight during the annual Interfaith Shelter.

What about the preschool?

While we do not need to get formal permission from the preschool in order to declare ourselves a sanctuary church, they are our partners and we want to make sure we act in good faith. We have met with the preschool's leadership and provided a forum for parents to get information and ask questions on Wednesday, 3/14/18. Approximately ten families attended and it was very positive.

What kind of physical space requirements apply, and does our campus meet them?

Housing someone in physical sanctuary requires access to a shower, access to a kitchen, lockable doors, internet connection, and enough space for a bed and the individual's belongings. It is worth noting not only that we meet these requirements, but also that we are the only church in the San Diego UU cluster that does.

When and how does offering sanctuary start and end?

Being a sanctuary congregation starts when the congregation makes the decision to do so. Physical sanctuary starts when an individual takes up protective residence in the building. Sanctuary ends when the government rules favorably on the immigration case, when the person in sanctuary decides they no longer need or want to be in sanctuary, or when the guest permanently leaves the physical sanctuary of the congregation for any other reason.

Where would someone actually stay?

The youth and young adults were the first to offer their space (114B). 114B is a large room with several couches, a full sized-refrigerator, and space for a bed. The person could also access 115 which has counter space and a sink. A combination of these spaces would be used to host someone in sanctuary. The bathrooms on the upper patio have showers, and someone in sanctuary would also have access to the Common Room kitchen.

How long does Sanctuary last?

There is no set time frame: it could be weeks, months or even over a year. Unfortunately, there is no way to know how quickly a Sanctuary case will be resolved, and as such we must be prepared for sanctuary to last as long as needed.

What happens if the person in sanctuary loses their case?

One of the reasons so few people enter sanctuary is that there needs to be a consensus between the legal team, the advocates, and the person themselves that theirs is a winnable case. Sanctuary is not offered to every person at risk of deportation – only to those who are believed to have a strong case. There is no guarantee that any case will have a positive

outcome, but to date, many sanctuary cases have been successful, in part because of the process by which cases are chosen. If at some point it becomes apparent that there will not be a satisfactory determination on their case, or if the person in sanctuary decides that being in sanctuary is no longer a viable or worthwhile option, there will need to be a careful and intentional conversation to decide when and how to end the stay.

How do we decide if we want a specific person to come into sanctuary?

When our congregation is notified of a person in need of sanctuary, the sanctuary team and ministers will need to respond quickly, and reach out to the requesting party (immigration attorney, community or grassroots group, etc.) to get as much information about the person seeking sanctuary and their immigration case as possible. That information is what the team will use to determine if we are a good fit to provide a safe refuge for this particular person.

What if there is someone who needs sanctuary, but we aren't ready? Or don't feel comfortable?

Declaring ourselves to be a sanctuary congregation does not obligate us to take anyone or everyone into sanctuary. It is still up to the sanctuary team to decide at the time if we are ready, and if the person in need is someone we want to commit our time and resources to assist.

What if we take someone into sanctuary and later decide it isn't working out?

In the same vein that declaring sanctuary doesn't demand that a congregation accept every and any person requesting sanctuary, neither does accepting a person into sanctuary mean that under every circumstance the person must stay in sanctuary in our church even if it isn't working. That said, the act of going into sanctuary is often in direct defiance of an order of deportation or an imminent order of deportation, so the person in sanctuary is in an even more vulnerable position after entering sanctuary. There would need to be a very serious, and impassable problem that multiple and varied attempts had failed to rectify before the very serious decision to terminate a sanctuary stay should even be considered. If it were to be the case, it would be necessary to be working with the sanctuary team, community partners, and UURISE to try to find a new sanctuary placement and develop a plan for the safest possible transfer of the person from one sanctuary location to another.

What if the person wants to leave sanctuary?

Sanctuary can feel like house arrest, and there is nothing about it that is easy. It requires a lot of courage, faith, and sacrifice for the person entering sanctuary, so at any point that they determine that they want to do something else, that decision should be honored. It is always up to the person in sanctuary to determine if it is successful, necessary, and worth the sacrifice.

Can the person in sanctuary leave to go shopping? To the doctor? To work?

No. Once someone enters sanctuary, they must stay in sanctuary either until they receive a positive outcome on their immigration case, they decide they no longer need/want sanctuary, or an emergency requires them to forfeit the safety of sanctuary. It is important to remember that by entering sanctuary, they have chosen to defy orders of ICE to leave the US, so once they

have defied those orders, they must remain in the protective space. It is often helpful to think of sanctuary as a form of “house arrest” or non-prison detention. We would ideally identify a congregant or friend who is a physician, nurse practitioner or other medical provider willing to do “house calls” as needed for non-emergency issues. It is helpful that the hospital is located directly across the street.

What if they have to go to court?

This will need to be determined on a case-by-case basis. The first step is to see if an attorney is able to represent them and they can avoid appearing in person. If that is not a possibility, then the guest in sanctuary will need to determine how they want to handle the situation, ideally with advice from their attorney.

How do we declare sanctuary?

In most cases, the public declaration is an important component of sanctuary. One of the reasons for a public declaration of sanctuary is the light it shines on the specific case, which allows others to organize and mobilize around it. Bringing attention to the case builds a strong case in the “court of public opinion” which results in pressure on DHS and ICE, which often leads to successful closing of a case. Once our congregation has discerned and decided we will provide sanctuary, a public announcement would probably be appropriate. This decision would be made in conversation with partner organizations, the ministerial team, and the sanctuary team. Public declarations often start with a press conference or a vigil.

When or why would there be private sanctuary?

Private sanctuary, or when a congregation’s sanctuary status has not been publicly announced, is a tactic that is sometimes used for a time before the case becomes public, and is often used as a way to leverage negotiations with ICE with the pressure of a public case looming. In this type of case, the determination is made by the legal team and the impacted person, and often will depend on the current relationship with ICE attorneys. There have been a number of cases won with this tactic, but it is not employed in every case.