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IMMIGRANT PROTECTION & SAFETY POLICY AND PROTOCOL REGARDING INTERACTIONS WITH IMMIGRATION AGENCIES

Version 1: January 12, 2025

Version 2: Updated January 21, 2025

Approved by Session with Updates. Electronic Signature John Gunther-Mohr
John Gunther-Mohr, Clerk

POLICY: It is the policy of South Presbyterian Church (South Church) and its ministries to ensure that our members, congregants, clients and visitors are safe and protected when they use our facilities and services. South Church will take steps to the greatest extent possible under the law to protect any person associated with our Church, ministries and community partners, and safeguard their privacy and information. It is the policy of South Church not to allow agents or employees of U.S. Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP) with the intent of seeking to target individuals for enforcement without appropriate authorization to access to our facilities, records or information unless this is required by law or a valid judicial warrant. The same policies and procedures apply to police officers who may act with ICE to enforce the immigration laws.

This policy and these procedures will be communicated in writing and followed by all South Church staff, volunteers, members, congregants, ministries, campus partners and space users. This policy and these procedures will be updated and amended as necessary by vote and approval of Session.

PROCEDURES: Procedures regarding access to South Church facilities/buildings/grounds: If any agents or employees from ICE should attempt to enter South Church's property, buildings or facilities, then staff, volunteers and space users will follow this protocol:

1. Any South Church campus user who notices any type of presence of targeting specific individuals or enforcement activity by ICE agrees to and should immediately notify designated South Church staff (Staff): Pastor Margery Rossi, Church Administrator Robin Larkins, or Session Representative / Chair of Buildings and Grounds Committee Linda Jo Platt. The above-named designated Staff will serve as South Church representatives for any and all matters involving ICE, CBP, or local law enforcement assisting ICE and/or CBP.
2. Staff should inform ICE agents that they do NOT have consent to conduct any unauthorized activity in the non-public areas of the property (which comprise all buildings and grounds of the campus) unless they have a valid judicial warrant.
3. Staff should inform ICE agents that South Church is **private property**. ~~a "protected area" under ICE guidelines, and that all programs, activities and services located and conducted on the property are directly related to its mission.~~

IMPORTANT UPDATE - JANUARY 21, 2025: *Until Tuesday, January 21, 2025, Schools and houses of worship were deemed off-limits as “protected spaces”, as were hospitals, funerals, weddings and public demonstrations. A statement from the Department of Homeland Security touting the move Tuesday said: "Criminals will no longer be able to hide in America's schools and churches to avoid arrest. The Trump Administration will not tie the hands of our brave law enforcement, and instead trusts them to use common sense."*

4. If ICE agents claim to have a warrant to enter the buildings and grounds of the property, Staff should ask for a copy of the warrant, ask agents to wait at a specified location, and immediately contact another designated Staff member for back-up, assistance and to serve as an additional witness.
5. Staff should review the warrant to ensure that: a) it is signed by a judge or magistrate, b) it describes South Church's building(s) as the place(s) to be searched, c) it has the correct date and was issued within the past 14 days, and d) the search does not exceed the scope of the items authorized to be searched.
 - a. ****IMPORTANT NOTE:** Administrative warrants signed by an immigration officer, not a judge, do not require ICE be allowed to enter non-public areas of the property.
6. Staff should be aware of common ICE statements to gain access without a warrant, such as, “We are investigating a crime. Can you help us identify this person?” and “Is [name] here? We just need them to step into the hallway to talk to them.” If the ICE agents do not have a warrant, Staff should say, “I do not want to answer any questions, please leave your contact information,” and then escort off of the property.
7. Designated South Church Staff should be advised as soon as possible about ICE presence on Church property. Staff should contact legal counsel immediately if possible.
8. Staff may advise any person who is the subject of ICE inquiry or action, that they have the right to remain silent -- but should not direct subject not to answer questions. Staff may not assist subject in escaping or hiding.
9. If there is a Judicial Warrant, Staff should limit answers to questions to very basic answers and state that they are not authorized to answer questions about whether a particular person is currently on the property or in the facility, without advice of legal counsel.
10. Staff should always document the name/contact information of the ICE agents seeking access to the facility. This can be done by asking for a business card, or name and badge number.
11. Staff may record any interactions with the agents, but they must announce that they are doing so. Staff should remain a reasonable distance from such incidents so as not to interfere.

12. Staff and subjects of ICE inquiry or action should know (or be informed) that if they are engaged in questioning by immigration agents, they can ask the agents if they are free to go. If the agent says yes, they are free to leave. If the agent says the person is not free to go, they should explain that they would like the opportunity to consult with an attorney and otherwise remain silent.

PROCEDURES REGARDING REQUEST FOR ACCESS TO RECORDS/FILES: If any ICE agent should request access to records or documents regarding South Church's members, congregants, clients, visitors or staff:

1. Staff should inform agents that South Church's policy is not to release information without the person's consent, unless disclosure is required by judicial order or subpoena specifically requiring the release of the information, or otherwise required by law.
2. If agents claim to have a warrant or subpoena, Staff should request a copy of the warrant or subpoena and document the agents' contact information. If possible, contact legal counsel.

REPORTING PROCEDURES FOR AFTER AN ICE ENFORCEMENT ACTION:


Immediately after an enforcement action has concluded, Staff involved should document the incident, and complete a report on the enforcement action, including but not limited to information identified below:

1. Date of enforcement action?
 - a. Time action began and ended?
2. Describe the enforcement action:
 - a. How many agents?
 - b. What agency conducted the action (i.e., ICE, local police or state police)?
 - c. Names and/or badge numbers of the agents
 - d. How did their uniforms identify them?
 - e. Why did they say they were there?
 - f. Did you ask to see a warrant?
 - g. Did the agents present a warrant?
 - i. If not, did you deny them consent to enter?
 - ii. What did you say?
 - iii. How did they react if you denied them consent to enter?
 - h. If the agents presented a warrant, was additional designated staff alerted?
 - i. Who?
 - ii. Was the warrant an administrative warrant, signed by an immigration official?
 1. If it was an administrative warrant, did you tell the agents that your organization has a policy of denying access to nonpublic areas in the absence of a judicial warrant?
 2. What did you say?
 3. How did the agents react if you denied them consent to enter based on an administrative warrant?
 - iii. Did the agents present a judicial warrant, signed by a judge?

1. If so, please describe the warrant:
 - a. What was the date of the warrant?
 - b. What items or persons were the subjects of the search?
 - c. What areas were identified to be searched?
 - d. Which judge signed the warrant?
 - e. Did you allow the agents entry based on a judicial warrant?
 - i. If so, did you or another staff member accompany them on their search?
 1. Who?
 - ii. Did the agents stay within the areas they were authorized to search by the warrant?
 - iii. If not, what other areas did they enter?
 - iv. Did they look in closed closets, cabinets, or drawers?
 - v. Did they ask permission first?
 - vi. Did they keep anyone from moving around freely?
 1. Who?
 - vii. Did they arrest anyone?
 1. Who?
 - viii. Did they seize any items?
 1. What?
 - ix. Did they take pictures of documents?
 1. If so, whose?
 2. How did they get the documents?
 - x. Did they take fingerprints?
 1. If so, whose?
 - i. Were there children present?
 - i. If so, whose?
 - ii. How many?
 - j. Did the agents yell at anyone?
 - i. Who?
 - ii. Why?
 - iii. Which agents (if known)?
 - k. Did the agents have guns drawn or were they touching their weapons?
3. Is there anything else to add about the enforcement action?
4. Signature of Staff reporting and witness.

FREQUENTLY ASKED QUESTIONS FOR CHURCH SPACE USERS

1. **NEW.** Aren't churches, schools and hospitals "protected spaces" where immigration agents are prohibited from enforcement actions?
 - a. **NO. Federal immigration authorities are now permitted to target schools and church.** On Tuesday, January 21, 2025 President Donald Trump revoked a 2011 directive that allowed for schools, houses of worship hospitals, funerals, weddings, essential services providers and public demonstrations to be off-limits to immigration enforcement action as safe and "protected spaces". A statement from the Department of Homeland Security touting the move Tuesday said: "Criminals will no longer be able to hide in America's schools and churches to avoid arrest. The Trump Administration will not tie the hands of our brave law enforcement, and instead trusts them to use common sense."
2. **NEW.** Can President Donald Trump change the Constitution by his January 20, 2025 Executive Order and end the 14th Amendment guaranteeing "birthright citizenship."
 - a. **NO. Neither the President nor the Supreme Court can eliminate an amendment from the Constitution without Congressional and states' approval.** The process for repealing or changing an Amendment is outlined in Article V of the Constitution, and basically requires at least 2/3 of both Houses of Congress to agree on the change, which must then be ratified (approved) by no less than 3/4 of all the states.
3. If agents arrive on campus, do I need to confront them?
 - a. NO. Upon initial contact, you should call one of the designated staff to interact on South Church's behalf, in keeping with this policy:
 - i. Robin Larkins, Church Administrator, cell: 610-331-2345, robin.southpres@gmail.com
 - ii. Margery Rossi, Pastor, cell: 914-539-5323, pastor@southpres.org
 - iii. Linda Jo Platt, Session Member, Chair Buildings & Grounds, cell: 914-564-9359, ljberrypl@aol.com
4. Does this policy mean that police officers or other agents are never allowed on campus?
 - a. NO. It means that when officers and / or agents are in uniform and come on campus acting in an official capacity to carry out immigration enforcement, this policy applies. South Church welcomes all to participate in our worship, programs, ministries and activities.
5. Does this policy require us to know the legal / documented status of participants in worship, programs, ministries, activities that take place at South Church?
 - a. NO. This policy respects the privacy of individuals who come to the South Church campus for any reason, and does not require or encourage any staff



member, volunteer, space user or campus partner to ask for or obtain the legal documentation status of anyone on our campus.

6. Does implementation of this policy mean that South Church would be breaking the law?
 - a. NO. Implementation of this policy is in keeping with current federal, state and local laws.
7. When the policy says to seek legal counsel, who do I call?
 - a. FIRST, you call the designated staff of to interact on South Church's behalf. If legal counsel becomes a necessity for any party involved in the interaction or enforcement, South Church designated staff will make an appropriate referral.