



Presbytery of Baltimore Guidance Related to Increased Immigration Enforcement

*There has been significant media attention regarding President Donald Trump's executive actions relating to increased immigration enforcement. Specific to religious communities, it has been widely reported that the U.S. Department of Homeland Security has rescinded prior directives prohibiting Immigration and Customs Enforcement (ICE) actions in or near "sensitive" areas, including churches and schools. The following information offers guidelines on actions that should be taken **in the unlikely event** that ICE or other law enforcement officers engage in an immigration enforcement action at your church campus. Use this opportunity to also ensure all church databases are up to date with emergency contact information and backup emergency contact information.*

In sum, if immigration law enforcement appears, you should immediately call legal counsel and your supervisor; you should ask the officer to wait in a public space while you consult with counsel; and you should comply with legal commands of law enforcement and not attempt to interfere with their lawful activities nor "conceal[], harbor[], or shield[] from detection" an unlawfully present person. E.g. 8 U.S.C. § 1324. We have not yet seen any enforcement actions at a church in the Baltimore region but want you to feel prepared and reassured with our support.

OVERVIEW:

- The Fourth Amendment to the U.S. Constitution protects areas where people have a "reasonable expectation of privacy." Thus, to enter or search private areas without the owner's consent, immigration law enforcement officers generally need a judicial warrant or must be faced with exigent circumstances—i.e. an emergency law enforcement situation such as the "hot pursuit" of an individual. Locations should consider clearly marking which areas of their facilities are public (such as a lobby or waiting room) and which areas are private (such as secured classrooms, offices, and internal meeting spaces).
- All people have the right to speak with lawyers and do not have to speak with law enforcement and may decline to give their consent to the inspection of private areas.
- **No one** should interfere with or hinder law enforcement activities. Such interference would include physically obstructing law enforcement, misleading law enforcement, or assisting any individual in avoiding detection.

PRACTICAL GUIDANCE FOR ENCOUNTERS WITH LAW ENFORCEMENT:

- (1) Identify yourself and your relationship to the property (i.e. "I am the pastor of this church"). If there is an emergency situation, promptly follow the direction of the law enforcement officer.
- (2) If not an emergency, advise the law enforcement officer that you are going to consult with the attorney for the Presbytery and to do so effectively you would like to ask law enforcement a few questions.

- (3) Keep a record of any information the officer provides. You can keep the original document, make a photocopy or take a clear photo on your phone.
- (4) Ask the law enforcement officer the following:
 - a. What is your name, identification/badge number, phone number, and the name and phone number of your supervisor? (You may also ask the officer for their business card.)
 - b. What is the purpose of their visit today? (i.e. is it to inspect places or records, to look for a person, to arrest a person.)
 - i. Most requests for documents do not require an immediate response.
 - c. What is the basis of their authority for being here today? (i.e. does the officer have a warrant, a subpoena, or no documentation.)
- (5) Ask the officer to please wait outside or in a public area while you consult with your attorney and supervisor. Feel free to say, “I do not have authority to give you consent to enter into any area of the facility, so please hold while I consult with my supervisor/our attorney.”
- (6) If you need to contact the pastor or other authorized person for the church do so now. If that individual is not available, please proceed to the next steps.
- (7) If the officer indicates that he/she intends to enter private areas of the facility or instructs you to open private areas, you should reiterate that you are exercising rights under the Fourth Amendment to the U.S. Constitution and you “do not give your consent.” You should otherwise follow the officer’s directions and you should not interfere with any actions being taken by the officer.
 ** NOTE: Individuals generally have the right to record law enforcement officers who are acting in their official capacity. If you feel comfortable doing so, you may record any interaction with law enforcement on video, as long as you do not interfere with the officer’s actions.
- (8) Unless there is an emergency situation, if the law enforcement officer asks you questions, **politely decline** to answer, saying that guidance you were provided indicates that you need to speak with your supervisor/attorney first.
- (9) **Call** one of the following attorneys at Gallagher Evelius & Jones LLP (which represents the Presbytery) until an individual answers:
 - a. Meghan Casey cell – 443.721.0973
 - b. Collin Wojciechowski cell – 443.454.2753
 - c. Steve Metzger cell – 410.353.9658
 - d. Gallagher Main Line (within regular business hours) – 410.727.7702
- (10) If law enforcement removes any documents or individuals, request information on where the individual/documents are being taken and reiterate your request for law enforcement contact information if it has not already been provided.
- (11) If the law enforcement action relates to a **minor**, immediately contact the minor’s parent(s)/guardian(s) after consultation with counsel/ supervisor.
- (12) If law enforcement officers detain individuals you know to have a child who would now be without a parent/guardian as a result of the detention, we suggest that you reach out to the attorneys listed above. Generally, you would reach out to the family of that child if they are listed in an emergency contact capacity on your internal records or call the Department of Social Services in the jurisdiction where the child resides.

NOTES

- Ensure all emergency contact and backup emergency contact information is up to date.
- All employers should review and ensure their I-9 forms are complete for all employees.
- PCUSA is one of 27 plaintiffs in a lawsuit for religious freedom in response to one of President Trump's executive orders which removes churches as a "sensitive location" for ICE actions.

RESOURCES

- After the event, if someone is apprehended, please contact the ICE Raid Hotline at Casa of Maryland: **1-888-214-6016 to report who, what, when and where.** Casa will offer to locate the individual in ICE custody and can follow-up with family members.
- If an individual seeks legal assistance with immigration in the Baltimore City area, they can also contact Esperanza Center (a program of Catholic Charities) at 667-600-2900
- Church leaders seeking resources or additional information or resources may contact Susan Krehbiel at the Presbytery, skrehbiel@baltimorepresbytery.org or: (202) 494-5514
- A resource page has been set up on the Presbytery of Baltimore website:
<https://baltimorepresbytery.org/churches-and-immigration/>
- PNS article about the lawsuit on religious freedom and ICE enforcement:
<https://pcusa.org/news-storytelling/news/pcusa-joins-religious-freedom-lawsuit-challenging-ice-enforcement-actions-churches>