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# Becoming a Sanctuary Congregation

A Resource for Jewish Communities

*Updated on August 1, 2017*



Welcome the stranger.  
Protect the refugee.

## Introduction

Over the course of American history, there have been times when our country has opened its doors to immigrants and asylum seekers, and times when we have been less welcoming, with tragic consequences. Right now, the door is closing, and asylum seekers and immigrants in America are living in fear. Many thousands of people across the country no longer trust they will be treated fairly, and they are worried that they will be jailed or deported at any moment while they are simply trying to live their lives in safety and in peace.

Several presidential executive orders, issued in early 2017, increase the resources and capacity of immigration enforcement agents. This has made it much easier for the government to arrest, detain, and deport immigrants, even those who have been in the U.S. for many years, have committed no crimes, and who have family members who are U.S. citizens. The shift in enforcement priorities has also made it more difficult to gain asylum in the United States.

In response to the growing threats to immigrants and asylum seekers, communities across the United States are developing mechanisms and networks to provide “sanctuary.” These efforts are important both in protecting individuals at risk for deportation and promoting policies to make systematic change.

We know that the Jewish community simply would not exist in this country were it not for the ability to immigrate and to seek asylum. As American Jews, we are joining sanctuary efforts because this new enforcement approach that creates widespread fear by targeting everyone runs counter to our values of welcome and compassion for the stranger. Too many of our neighbors are afraid to take their children to school, go to the doctor, go to work, and otherwise participate in normal daily life, and too many American children are afraid that their parents will be taken away from them. This is unacceptable. As a community, we can and must take action to ensure protection for asylum seekers and immigrants who need it.

## Why is HIAS involved?

HIAS has worked for over 130 years for the safety and dignity of refugees. In every era, we translated our own Jewish values and history into a moral imperative to help those fleeing persecution and violence. In this moment when refugees and immigrants are subject to so much suspicion and prejudice, we are determined to fight back, to do what we can to support our neighbors, and to lead the Jewish community in responding, through all legal means, to harmful policies.

While we are concerned about the targeting of immigrants generally, as a refugee organization, we are particularly concerned about the increasing threats to asylum seekers. These are people whose lives could

be at risk if they are sent back to the violence and persecution that they fled. The United States, under U.S. and international law, is required to provide a meaningful opportunity for people who fear persecution to seek asylum. One of our top advocacy priorities is protecting the institution of asylum and ensuring that nobody in the U.S. is deported back to persecution. We have worked for decades to ensure that federal, state, and local authorities respect and uphold the law and that immigrants and asylum seekers are treated fairly and humanely.

HIAS believes that international law, U.S. law and constitutional protections of due process provide a framework to protect refugees and asylum seekers within the United States. It is the focus and purpose of this document to focus on the many ways for your congregation to act within the law to provide “sanctuary” for asylum seekers and immigrants.

## How can my congregation get involved in the sanctuary movement?

Through involvement in the sanctuary movement, faith communities around the country can advocate for asylum seekers and immigrants and help address the immediate needs of people in their own community.

The first and most important step in getting involved is to reach out to local immigration organizations and sanctuary networks. As you begin your research, it is important to know and understand your local context, so that you can tailor your congregation’s efforts to the needs in your community. You will find that different organizations and sanctuary networks have different needs, and possibly have different variations on the concept of “sanctuary congregations.” Congregational participation can range from the act of providing physical shelter in your building, to the much broader set of tactics outlined below. In the coming years, these tactics will continue to evolve to meet the needs of the moment.

It is up to your community to decide what resources and support you can offer to immigrants and asylum seekers in your area. Here are a few ideas to consider:

### MAKE A STATEMENT

- 1. Declare yourself a “sanctuary congregation.”** Make a statement about your dedication to protecting immigrants and asylum seekers.
- 2. Adopt a nondiscrimination policy.** State that your congregation will welcome all people regardless of immigration or citizenship status, race, sexual orientation, gender identity, etc. Adopt a policy that respects privacy by never asking members of the congregation or public about their immigration status.

## ADVOCATE

1. **Support local policies that protect immigrants and asylum seekers.** Reach out to local elected officials to urge them to protect immigrants and asylum seekers in your local community. Encourage your local elected officials to adopt sanctuary policies or welcoming resolutions, or thank them for positive actions they have taken. Organize to oppose unjust enforcement policies in your local communities. (Please contact HIAS for guidance about how to best advocate in your community).
2. **Advocate for national policies that support immigrants and asylum seekers.** Actively support humane policies that protect immigrants and asylum seekers, and oppose cruel and unjust policies of detention and deportation. Urge your elected officials to ensure due process that protects access to asylum. Oppose policies that unfairly and unnecessarily target immigrants, asylum seekers and sanctuary cities.
3. **Meet with your Members of Congress.** Make sure your federally elected officials know that your community welcomes refugees and immigrants. Urge them to do all they can to support these populations and sanctuary cities. HIAS has resources for any congregations to plan meetings with Members of Congress in their home states and districts.
4. **Show up in solidarity.** Follow the leadership of communities who are most impacted. Show up in solidarity at local rallies and actions, and convene a delegation from your congregation to attend.

## PROTECT ASYLUM-SEEKERS AND IMMIGRANTS IN YOUR AREA

1. **Provide legal assistance to immigrants and asylum seekers.** Help lawyers in your congregation to become familiar with immigration law and organize them to provide pro bono legal assistance. Support legal clinics in your neighborhood to provide “Know Your Rights” trainings and information to local immigrant communities.
2. **Support the work of organizations that serve immigrants and asylum seekers.** Reach out to local organizations that support immigrants and asylum seekers and develop a relationship. Ask them what support they need and develop a plan for your congregation to provide that support.
3. **Practice “Sanctuary in the Streets.”** Join local efforts to respond in real time to immigration raids by showing up on-site and witnessing or video-recording an enforcement action (i.e. arrest or raid). Hold vigils or prayer circles outside of ICE check-ins and hearings. Immigration officials may act with more caution when they know that a group of people are watching their actions.

**4. Support people at credible fear interviews, removal hearings and other immigration appointments.**

Attend hearings of immigrants facing deportation to provide moral support during some of the hardest and most harrowing days. This tactic is often called “accompaniment” and it might be a good opportunity for congregants who speak Spanish or other languages commonly spoken by immigrants in your community.

**5. Support people while they are not legally allowed to work.** Asylum seekers are prohibited from working for at least six months and often much longer after they apply for asylum, and public benefits are not available to asylum seekers. Not all have relatives or access to other social networks to provide help. Congregations can play a key role in providing financial, housing, and other support until they are legally permitted to work. People who have filed asylum applications are legally present in the U.S. and providing support and assistance to them is legal.

## **My congregation is talking about offering physical sanctuary in our synagogue if it is needed. What do we need to know?**

There is a growing movement of religious congregations who are providing shelter for immigrants and asylum seekers, on a short-term or long-term basis, to protect them from arrest and deportation.

Most of the time, a place of worship will hear about an immigrant who seeks sanctuary through a local lawyer or service provider. Because of the nature of sanctuary, there is often little notice and help is needed immediately. It will be important for your congregation to consider logistics including living arrangements (i.e. easy access to showers, bathroom, and kitchen) before offering sanctuary.

As a matter of policy for the Department of Homeland Security, immigration enforcement officials avoid searching, raiding, or arresting individuals at houses of worship. However, while prosecutions have been rare, such places and people have no legal protection whatsoever from being raided or prosecuted. It is illegal to shelter and transport an undocumented immigrant with the purpose of concealing him or her from law enforcement agencies. This type of “sanctuary” is an act of civil disobedience, and we recommend that you seek legal advice before deciding to offer it.

## My congregation is part of the HIAS Welcome Campaign. Does that make us a sanctuary congregation?

No. Declaring sanctuary is separate from the HIAS Welcome Campaign. The Welcome Campaign is a network of over 350 congregations around the country who are working in partnership with HIAS to take action for refugees and to raise awareness about the global refugee crisis. HIAS provides extensive guidance and resources to Welcome Campaign congregations, and helps to connect them to a range of tactics, including education, activism, advocacy, tzedakah, and direct service volunteering.

We are proud that many Welcome Campaign congregations are also considering sanctuary campaigns, and we are eager to be in touch with any congregations who are interested. We can provide general information and support, as well as connections to other congregations, resources, and best practices. As the landscape continues to evolve, we will be evaluating other ways to provide support to sanctuary congregations, including in partnership with Jewish and interfaith organizations. We also will be leading advocacy campaigns to raise a moral and Jewish voice in support of the dignity of immigrants and asylum seekers.

## Resources

- *The HIAS Welcome Campaign*
- *Mikdash: The Jewish Sanctuary Movement*, from T'ruah
- *North American Immigrant Justice Campaign*, from Religious Action Center for Reform Judaism
- *Sanctuary Congregations and Harboring FAQ*, from ACLU
- *Sanctuary not Deportation: A Faithful Witness to Building Welcoming Communities*, from UMC
- *List of Local Sanctuary Coalitions*, from SanctuaryNotDeportation
- *"Sanctuary in the Streets" Rapid Response Toolkit*, from SanctuaryNotDeportation

HIAS is interested in receiving and sharing information and resources about what different congregations are doing to promote sanctuary for asylum seekers and immigrants. We encourage you to be in touch either to share with us or ask for more information.

Please contact Isabel Burton, Program Specialist, at [isabel.burton@hias.org](mailto:isabel.burton@hias.org) or 212.613.1307.

# ADDENDUM | Sanctuary Terms and Definitions

## What is Sanctuary?

Sanctuary is the act of protecting immigrants and preventing deportation. Sanctuary can be provided in different ways, and undertaken by a range of concerned groups, including congregations, campuses, or even entire municipalities.

People seeking sanctuary are often undocumented immigrants, which could include asylum seekers who have fled violence or persecution in their home countries. Refugees who arrive in the United States through the U.S. Refugee Admissions Program have legal status and, unless convicted of a crime, are generally not at risk for deportation.

Hundreds of churches and synagogues across the country were involved in the 1980's in what is referred to as the "sanctuary movement" to protect Central Americans fleeing civil war. They provided shelter and protection in their buildings, as well as financial, legal, and advocacy support. Then as now, places of worship—along with schools and hospitals—were considered "sensitive locations" where law enforcement officials are instructed to avoid searching for and arresting immigrants in most circumstances. Through the sanctuary movement, faith leaders and congregations saved many lives and, ultimately, sparked a major reform of the U.S. asylum system that was largely successful in taking political and foreign policy considerations out of individual asylum determinations.

In 2007, a "new sanctuary movement" began to protect undocumented immigrants arrested in the growing number of workplace and neighborhood raids. Now, in 2017, this movement is gaining strength as faith communities and other concerned groups across the country are mobilizing to protest policies that target immigrant communities, and to provide protection for their immigrant neighbors.

## Who are asylum seekers?

An "asylum seeker" is anyone who has fled persecution in their home country and is seeking haven in a different country, but has not yet received legal recognition or status. To receive legal status, an asylum seeker must prove that they have a well-founded fear of returning to their home country, and that they meet the refugee definition—that they were persecuted or fear persecution because of their race, religion, nationality, political opinion, or membership in a "particular social group."

Many asylum seekers in the United States are from El Salvador, Guatemala, and Honduras, which are three of the most dangerous countries in the world. Families living in this region face pervasive, inescapable violence including high murder rates, sexual assault, and gang recruitment that specifically targets children. The United States is required—by international law—to offer protection to those who seek asylum. However, asylum seekers are often detained in prison-like conditions, waiting years for their case to be heard, sometimes without access to an attorney.

Asylum seekers fall into different categories:

- **Asylum seekers who after entering the United States legally as a temporary visitor, student or worker, apply for asylum because they are afraid to return home.** These asylum seekers are seldom subject to detention and begin the asylum process with a non-adversarial asylum interview. These “affirmative” asylum seekers generally should seek legal representation as early in the process as possible. They are allowed counsel but only at no expense to the government.
- **Asylum seekers who, with or without a proper visa to enter the U.S., declare an intention to apply for asylum at the port of entry.** These asylum seekers are subject to mandatory detention at least until an asylum officer finds that they have credible fear of persecution. After a finding of credible fear by an asylum officer, the asylum seeker may or may not be released from detention. The next step is an adversarial hearing before an immigration judge to prove that he or she has a well-founded fear of persecution. Asylum seekers in this category should secure legal counsel (which cannot be at government expense) for the credible fear interview as well as the removal hearing. If the asylum officer finds that the asylum seeker does not have a “credible fear” of persecution, the asylum seeker is subject to expedited removal from the United States, though he may ask an immigration judge to review that finding.
- **Asylum seekers who entered the United States without inspection or who, due to a visa overstay, a criminal conviction, or other violation of immigration status, are placed in removal proceedings.** Such individuals are placed in removal proceedings and may ask for asylum as a defense from removal. They are vulnerable to detention, are very much in need of legal counsel and might also be subject to “expedited removal,” which limits their access to an immigration judge and to legal counsel. If they are notified they are subject to expedited removal, they must raise any fear of return with the immigration officer immediately or they will be subject to removal without even having access to an asylum officer or an immigration judge.



## What is a Sanctuary City?

Over 350 jurisdictions across the country have declared themselves “Sanctuary” or “Fourth Amendment” cities. This means that they enacted policies prohibiting local law enforcement officials from sharing information with ICE, holding undocumented immigrants in custody for nonviolent crimes in order to transfer them to ICE custody, or asking about an individual’s immigration status upon arrest. Sanctuary jurisdictions do not release violent offenders, who are generally held in criminal custody.

The rationale for this kind of “sanctuary” policy is that it builds trust between the police and immigrant communities, which results in immigrants reporting more crimes and cooperating more closely with police. Sanctuary policies are enacted in recognition of the fact that simply being in the U.S. as an undocumented immigrant is a civil—not criminal—offense. The federal government and some state governments are currently engaged in efforts to discourage and penalize sanctuary cities by threatening to withhold funding.