

*DRAFT as of September 17, 2017*

## Sanctuary FAQ for St Michael's

As the Immigration Committee and the Vestry work together to research how St. Michael's can best respond to the current immigration crisis, we would like to share what we learn by regularly publishing a St-Michael's-specific FAQ, updating it as we learn more. The most-recent version can be found on the St Michael's website under Outreach and Social Justice at <http://www.all-angels.com/outreach-immigration-sanctuary.html>. Questions can be submitted to a box in the narthex or emailed to [smaa.sanctuary.discussion@gmail.com](mailto:smaa.sanctuary.discussion@gmail.com). The ACLU provides an FAQ<sup>i</sup> which gives a baseline for general Sanctuary questions.

It is well known that the United States immigration system has been ineffective for a long time. There are a lot of different perspectives on how to fix the system; however, there does not appear to be any resolution in the near future. In the meantime, immigrants without access to resources or legal support may find themselves at risk of deportation before they have a chance to make a case. The fight for just immigration reform is weighed down with politics and rhetoric; real lives and families are at stake. Sanctuary can make a difference to those trying to navigate a broken system.

### **Questions:**

#### **About Immigration & Sanctuary (The ACLU FAQ<sup>ii</sup> on Sanctuary contains more information)**

1. **Why provide Sanctuary in a church? What is a "sensitive location" in the eyes of ICE?** ICE is currently operating under a memo<sup>iii</sup> that defines churches, hospitals and schools as locations in which enforcement actions should not occur. This is perhaps because of the long history, or tradition, of Sanctuary offered by faith and secular communities and individuals provided to those fleeing violence, political or economic persecution, or social injustice (Google: Underground Railroad Facts, Resistance Movement, Sanctuary Movement). However, this memo is not a legal document; it cannot be used in defense of providing Sanctuary in a "sensitive location", and can be revoked at any time. It is also possible that providing Sanctuary in a building other than the worship space could be less "sensitive" and therefore more risky. There is a movement to legalize sensitive locations as sanctuary, but they are not legal Sanctuary today.
2. **How do churches typically support immigrants? What is Sanctuary?** Churches may provide several levels of support and/or hospitality for immigrants. These include among others: advocacy for immigrant rights, court accompaniment, supporting other churches hosting guests in Sanctuary, providing short-term emergency shelter for someone released from detention, or actually providing the living space or Sanctuary to an individual and/or family facing deportation or seeking asylum. Church congregations are able to provide spiritual care, companionship, and meet physical needs (i.e. laundry, grocery shopping, etc.). Many people at St. Michael's have been trained and are already providing accompaniment for people in Sanctuary elsewhere.

**Is there a need for sanctuary, or are there more churches offering sanctuary nationally than individuals seeking sanctuary?** Needs for hospitality tend to be greater in the southwest than nationally, and, in order to keep families together, more churches and facilities are needed locally. When deportation rules change, as they are now more frequently, needs arise urgently. That is the value of taking this time to discern what our role will be, so that we are prepared when the question is asked of us. It is a difficult decision to trust the immigration system or go into sanctuary, when either could separate one from their family.

3. **What are the criteria to accept individual(s) into Sanctuary?** The NM Faith Coalition on Immigrant Justice (NMFCIJ <https://www.nmfaithcoalition.org>)<sup>iv</sup> works with a network of organizations to identify cases where additional time may be required for due process to occur, as allowed under the Fourth Amendment of the Constitution, with the intention of winning reprieve from deportation. St Michael's

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would use many resources to develop our criteria for providing Sanctuary. Other churches have used these criteria for Sanctuary seekers:

- **Are in the legal process and under an order of deportation.** In other words, have an attorney and are making the case to prevent deportation. The request may also be in line with current immigration criteria of having close family (e.g. spouse, children, parents) who are US citizens.
- **Are free of non-immigration felonies.** In other words, not those convicted of serious crimes against society. There is a difference between a traffic conviction and drug trafficking conviction. Sanctuary is not for those who are a danger to society.
- **Have a good work record.** May have a Green Card and contribute to American society.
- **Have a viable case under current law.** Have a good chance of winning a stay of deportation and improving their immigration status, based on legal precedents and standing laws.

**In the case of illegal immigrants (who did not come here for political asylum from terror or violence but mostly to better their lives economically), do you think the supporters of sanctuary at St. Michaels tend to see this as more what the immigrant "deserves" (i.e. justice) or more as a situation primarily calling for mercy?** There are more who did come to escape terror than we can provide hospitality for at this time, however, justice or mercy is a good question. Every country looks at the reasons people migrate when they review candidates in the legalization process. The host country may or may not accept the reasons given by the migrants themselves (as the US did not from those seeking asylum in the 80s from the wars and turmoil in Central America). Escaping poverty or starvation is a common reason to migrate, as did the Irish in the potato famine, and people usually choose a country doing better than where they came from. Sometimes co-occurring with poverty comes violence (war, crime or gang), and unjust political regimes. Other reasons might include: natural disasters, overpopulation, religious, racial, or gender persecution, need for family reunification, health care, etc. So can one say the reason is poverty or economic or that the underlying cause for the poverty is something else? Is poverty alone not a good enough reason to migrate? If an immigrant has been working in the US for 20 years, is married to a US citizen and whose children are US citizens, who has not achieved citizenship but is in the process and is under a deportation order (because of quotas, country of origin, change of laws or whatever): is taking that person into sanctuary a matter of justice or mercy? Or due process?

The Constitution protects the rights of people in the US, whether they are citizens or not, and whether they came in legally or not. The ACLU has published a paper on this <https://www.aclu.org/other/rights-immigrants-aclu-position-paper>, and there are many other sources on this topic. Due process and the right to a speedy trial are among these constitutional rights for people in the US. Part of the purpose of sanctuary is to assure due process in the lengthy and complex administrative immigration processes and avoid the cost of unnecessary deportation, or deportation that could have disastrous results for the immigrant. Churches that take people into sanctuary look for cases where the time bought for them in sanctuary allows due process to take place with likelihood of a positive outcome. Perhaps justice, mercy and due process work together when we love our neighbors as ourselves.

4. **How long would a person have to stay in Sanctuary?** Individual churches determine how long a guest may stay. The required length of time needed to resolve immigration cases of those in Sanctuary can vary dependent upon the different details in the case. 3-6 months is anticipated as a short term. Sanctuary could be needed for years. St Michael's could work with other churches if we were not able to accommodate people for the entire required length of time. **If an immigrant in sanctuary does receive their hearing in court and are turned down, will the church allow them to be deported?** We haven't heard of this situation arising, but we can say that the church is not a decision-maker in the process and only serves as a container for the process. Decision-making is up to the immigrant, their family, their attorney, ICE and the immigration and legal systems. The individuals currently in sanctuary have both agreed that, should ICE bring a Judicial Warrant for their detention, they will surrender.

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5. **Is providing Sanctuary illegal?** The legality of providing Sanctuary is a gray area. It is clearly illegal to harbor (hide) or transport someone under a deportation order in order to facilitate evasion, and the situation is currently rather fluid. Interpretation varies between Circuit Courts, and New Mexico's Circuit 10 has not ruled on Sanctuary, which keeps the legality issue unclear. See page 2 of the ACLU FAQ document cited in the endnotes. When a guest comes into Sanctuary, the ACLU recommends that churches notify Immigration and Customs Enforcement (ICE) of the person's location. In this way, the guest is *not* being concealed. **What would keep this civil disobedience from moving into criminal activity?** Ministry in community has a way of balancing itself out. Church leadership and the parishioners who carry out the work also manage the risks and help protect people and the parish.
6. **Why aren't the immigrants in our community not already citizens?** Quotas by country, skill set and other criteria are the major reasons. There are other obstacles, based on the number of people in the family. Also, changes in the rules can take place while in the lengthy process to become a citizen (4-20 years for a family-based petition!), between the time the immigrant arrives and the time they achieve citizenship.
7. **What does "Illegal immigrant" mean?** This is imprecise language that implies that foreign nationals or aliens who reside in a country illegally (such as: with no visa, overstayed visa, in a sham marriage) are illegal people, or perhaps criminal. Immigration, or things people do, can be illegal, but the people themselves are not illegal. People who reside in a country without proper documentation are more correctly referred to as undocumented or unauthorized. Per Wikipedia<sup>v</sup>, illegal immigration is the illegal entry or stay of a person or group across a border in a way that violates the immigration laws of the destination country, with the intention to remain in the country. Immigrants may be naturalized, become citizens, in the destination country. Immigration is overwhelmingly upward, from a poorer to a richer country. Related reasons for immigration include: globalization, overpopulation, war and asylum, family reunification, or loss of citizenship in their native country. Risks to undocumented immigrants include: lack of access to services, slavery, kidnapping and ransoms, prostitution, exploitation of labor, injury and illness or death.

## **About Parish Engagement**

8. **Why should we help? What is the Biblical support for providing Sanctuary?** The Old and New Testament urge people to make the needs of strangers, aliens, and sojourners a high priority. See: Exodus 12:49, Exodus 22:21, Leviticus 19:33-34, Deuteronomy 24:7, Deuteronomy 10:19, Job 31/32, Matthew 25:35 where Jesus says, "I was a stranger and you welcomed me."
9. **How do I get trained to accompany a person or get involved?** The NM Faith Coalition for Immigrant Justice organizes trainings. Contact **Marian Bock at (505) 480-8671** for the next session. The Church Calendar and Noticias announce the St Michael's Immigration Committee meetings.
10. **Has providing Sanctuary divided parishes?** In the hundreds of churches nationwide (estimated ~800 in the Spring of 2017) which have agreed to provide Sanctuary to immigrants, certainly not everyone agrees. We hope, through research, discussion, prayer and discernment that we can agree to go forward together. As examples from our own history, supporting the LGBT community was not everyone's concern and the Food Pantry is not everyone's ministry. Some people left and some people joined because of them. We do not all have to agree or believe the same things. We do not all have to participate in every ministry. Similar to establishing LGBT equality and providing food to the poor, providing Sanctuary allows us to live out ministries of justice and compassion in the community, in this case, by "caring for the stranger".

## **About St Michael's Property and Sanctuary**

11. **Where could we keep a person or family securely in Sanctuary? Do we have the Infrastructure for a housing project such as this?** The current thinking has identified the Education building as an option, as it

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formerly served as Rectory (living space) for St Michael's. The basic infrastructure is there. For people whose option is separation from their family or return to a life-threatening situation, the barest minimum would be sufficient.

12. **What would it take to make the Ed building ready for habitation?** The Ed building was the original rectory and has all the old plumbing and electrical for a home of the 1950s, most certainly not up to current code. The biggest and probably most urgent high dollar need is a shower and hot water heater. A fridge and hotplate could suffice for a kitchen in a short term. Longer term we would want to consider what would make living in a confined space more comfortable, such as a kitchen sink, cupboards, secure outdoor space, and separation of guest and accompaniment people quarters. A preliminary estimate is \$3,000 to make the building habitable. The Vestry would seek cost-effective solutions and in-kind donations to accomplish this needed work.

## **About Cost and Impact on Other Ministries**

13. **Should St Michael's be taking on another Outreach ministry at this time?** According to St Michael's By-Laws, new ministries are approved by the Rector, and are overseen by the Vestry. The Vestry is currently in discernment on expanding this ministry to include housing – either on an emergency or Sanctuary basis. As a parish, we do more in the area of *ministry* than in goal-setting, ministry being the individual response to a calling. The Vestry, working with clergy, provides facilitation, coordination and support as needed, and the Vestry will have a visioning session at the end of September. Since providing sanctuary represents a significant commitment, parishioner input and town halls will certainly inform any direction that is set. Parish leadership would also determine any financial outlay for this purpose.

14. **What is the cost/benefit of providing Sanctuary?** **Costs:** Following are some expenses and benefits experienced by the Friends in their five months of providing Sanctuary for a couple and 24/7 accompaniment.

- **One-time Costs.** See Question 12. The Friends Meeting House was move-in ready.
- **Independent criminal legal counsel** to advise parish the Vestry and clergy (not represent them individually). This could entail retainer and hourly expenses. \$300/hr is usual and, in the event of a court case, a retainer of \$5,000 is anticipated by the Friends.
- **Utilities** increase – Internet, power, water use. \$75/month increase in the summer for water. Power / gas utility usage increased \$80/month also.
- **Wear and tear** – repairs required from usage of plumbing, electrical, maintenance, HVAC, etc., will increase over time as well.
- **Laundry, groceries & errands** – Hiring/paying a person under a deportation order is currently illegal, so these costs can vary if the guest is the breadwinner of the family. Members of the Friends and those providing accompaniment are currently providing in-kind support for Emma in these areas. Emma sells her paintings and her husband works when he can to cover daily expenses.
- **Legal costs** of the guest are ultimately the responsibility of the guest.

### **Benefits:**

- **Good for America.** Community work of the NM Faith Coalition for Immigrant Justice and other churches providing accompaniment. Civil initiatives to support 4<sup>th</sup> Amendment rights of individuals in this country make our democracy stronger.
- It is **meaningful work** to increase the visibility of the greater issue of **immigrant justice**. There is no debate that the immigration system is difficult to navigate and is in need of just reform.
- The Friends have found it satisfying to **materially help Emma and her family stay together** and receive needed healthcare.

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- **Net increase in numbers.** Although a few Friends may have pulled back from their engagement at the Friends, more have been drawn from the outside and from the fringes into greater participation.
  - **Blessing.** Current Sanctuary churches have said that taking the stand and providing Sanctuary has been “a blessing to us to be able to do it – we have learned so much” (Shadow Mountain UCC Phoenix, providing Sanctuary since 2014, with the current guest since February 2016). The Friends also appreciate the “connections with other churches and trusting relationships among progressive religious groups and individuals.”
- 15. How can Sanctuary costs be paid?** “Where your treasure is, there your heart will be also.” Matthew 21:6. There are approaches and options for underwriting for Sanctuary, just as our parish has developed for the other ministries over time, such as:
- Working with a coalition of supporters for time, material and operational costs
  - Individual fund-raising by guest, parishioners and the coalition
  - Budget line item and dedicated funds, as we have set up for other ministries
  - Volunteer time and in-kind gifts both for one-time and recurring costs
- 16. Would Sanctuary costs negatively impact parish debt?** It’s doubtful. Fund-raising experience and wisdom suggest that emotional engagement in the value of the cause is a key principle in giving.
- **Fundraising comes from the heart.** We spend money on what we care about, and our checkbooks say where our hearts are!
  - **We do have enough already** – we don’t need to have more (or everything it will cost) to start or to make a difference. Through collaboration there is sufficiency.
  - **This is worth doing** – Whatever we can do is worth the effort and can make a difference. Sanctuary support assists protecting people’s right of due process, helps ensure safety of individuals and families, and in some cases even saves lives.
- 17. What about the Day School?** Because the school uses the east parking lot and entrances, kids and parents would be separated from the Ed building by the Parish Hall. Most of the playground is out of view as well. Children are not likely to observe a person being picked up by authorities because of this separation and because ICE deems a church to be a “sensitive location”. In the unlikely event ICE were to come to a church, these arrests are usually made in the night or early morning hours when children are not present. Vestry members have met with the All Angels Episcopal Day School (AAEDS) Board of Directors. They shared information, and will continue to share information, discovered through contact with churches with preschools providing Sanctuary. Questions are being answered, and the conversation was positive in support of immigrant justice.
- 18. What about the Food Pantry?** There is concern about drawing attention to any Food Pantry clients whose immigration status is uncertain. ICE practices may already be causing some people to stay away. Churches with food pantries which are also currently providing Sanctuary are specifically being researched by the Vestry. Discussion at the August board meeting with Vestry members was positive in support of immigrant justice.
- 19. What about the Sunday school, nursery or youth use of the Ed building? If we want to focus on the whole church community and the kids, why are we so quick to offer up their space?** We have a large campus and an abundance of options for children of all ages. Space could be shared, as it used to be, with the Day School on Sundays. Alternatively, meeting rooms in the ministry complex or Pavilion on Sundays could be used. Our teachers feel that, were the parish to offer sanctuary, this action would be an excellent model for kids and offer an opportunity to meet the Stranger face to face.
- 20. Would it drain the resources of other ministries? Would we exhaust ourselves to do it all alone? How does sanctuary fits in with our over-all goals?** This is a concern other ministries have struggled with in the past. We need to look carefully at what we’re able to commit to. Members of St Michael’s have already built relationships with the NM Faith Coalition for Immigrant Justice and other churches in the

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Sanctuary effort. We believe that as the city, state, country, churches, and secular organizations are wrestling with these issues, we will not be alone, and support will be mutual. As a parish, we do more in the area of *ministry* than in goal-setting, ministry being the individual response to a calling. The Vestry, working with clergy, provides facilitation, coordination and support as needed, and the Vestry will have a visioning session at the end of September. Since providing sanctuary represents a significant commitment, parishioner input and town halls will certainly inform any direction that is set. Parish leadership would also determine any financial outlay for this purpose.

## **About Risk and Support**

21. **What do the National Church and our Bishop say about Sanctuary?** Individual dioceses have taken positions in support of Sanctuary (Los Angeles, New Jersey, for example), but there is no national position of the Church on Sanctuary. The National Episcopal Church<sup>vi</sup> recommends “legal, theological and material consideration as well as individual discernment” on becoming a Sanctuary parish. Conversations are beginning in our Diocese. A proposal is being developed for consideration by the Standing Committee of the Diocese, which acts as trustees for property. One logistical hurdle may be the relatively open access to the building, which complicates the accompaniment aspect of sanctuary. The Center might be better suited for Emergency Housing, when immigrants are released from detention and a locked door is not required.
22. **Is there a risk to those with government Security Clearances, based on St Michael’s role in immigrant justice?** Anyone holding or applying for a Security Clearance should review the website below and confer with a security officer. When parishioners are individually supporting immigrant justice, there is little or no risk to a parishioner or Vestry member with a clearance. The clearance of a Vestry member, should that body make the decision to provide Sanctuary, could be at risk of an “allegation of criminal conduct.” See: <https://news.clearancejobs.com/2009/02/09/effect-of-criminal-conduct-on-security-clearances/>.
23. **Is there a risk to those with professional licenses based on St Michael’s role in immigrant justice?** Individuals applying for or holding professional licenses should seek the advice of their professional organizations before participating in any activity, or associating with an organization in which individuals can participate in ministry, civil initiatives, or civil disobedience in the name of that organization. We assume that leadership or officer roles on Vestry could put an individual more at risk than merely participating or having affiliation to the organization, but we haven’t found evidence of anyone losing licenses due to Sanctuary.
24. **If providing Sanctuary becomes a criminal action in the 10<sup>th</sup> Circuit, would the Vestry, clergy, staff, and/or parishioners who provide accompaniment become personally liable?** There is risk in offering Sanctuary. Individuals have been convicted of *concealing and/or transporting* undocumented immigrants. However, over the last forty years, no congregation has been prosecuted for allowing undocumented people to find shelter and safety in their house of worship, which is why this question begins with IF. The day that protecting the Constitutional due process rights of a person like Kadhim or Emma is declared to be a criminal act, people and organizations are anticipated to object both locally and nationally. St. Michael’s will not be alone.
25. **How does immigration law interface with the sovereignty of First Nations? Could local pueblos or the Episcopal mission in Navajo Land provide additional support or sanctuary?** The New Mexico Faith Coalition for Immigrant Justice is investigating possibilities in this area. More information than that is not currently available.
26. **Does St. Michaels’ leadership see symbolic value as a major motivation? Will we take steps to publicize what we are doing and to make the "public case" for a church doing this? Will we be trying to encourage other churches to do this because we think it is the right thing to do?** There is certainly symbolic value in making this decision. The parts of our community interested in immigrant justice would eventually become aware of the role we choose to play or not. Publicizing our

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specific actions, however, is a less important factor than feeling that we have taken actions true to our calling as Christians. Decisions on the extent of publicizing - having press conferences, rallies, vigils, writing Op-Eds, blogging, putting info out on social media - would also be made with the immigrant, their family, legal team and our parish community.

## ***About Caring for the Needs of Immigrants in Sanctuary***

27. **If someone becomes ill in sanctuary and requires hospitalization, what happens then?** Treatment options for medical emergencies are up to the guest and their family. Hospitals are also “sensitive locations” and unlikely destinations for ICE raids. Medical and dental professionals have also treated individuals in their sanctuary locations here in Albuquerque.
28. **What else is needed for the immigrant community and those in sanctuary?** The resources St M can provide include a living space and a loving, supportive community of people who are Christ's hands and feet on earth. Attention needs to be paid to the emotional, psychological and educational needs of immigrants, and especially those in sanctuary. This may include language learning, exercise, fellowship, artistic expression, the ability to go outdoors, meaningful contributions or work, control of their environment. The host community and coalition of supporting accompanists would help provide this.

## **Glossary of Related Terms**

**Asylum** is temporary or permanent inviolable protection from extradition granted by a governing nation, agency or embassy on its own territory. A church does not provide asylum, but may offer housing or hospitality for someone who is seeking asylum from the government.

**Shelter** might be a term used for someone for whom a deportation order has not yet been issued, but who has been notified to report for detention before deportation.

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<sup>i</sup> ACLU FAQ: <https://www.nwirp.org/wp-content/uploads/2017/03/ACLU-Sanctuary-FAQ-March-2017.pdf>

<sup>ii</sup> Ibid.

<sup>iii</sup> St Michael's information page: [http://www.all-angels.com/uploads/2/1/9/9/21994488/ice\\_-\\_memo\\_on\\_sensitive\\_locations.pdf](http://www.all-angels.com/uploads/2/1/9/9/21994488/ice_-_memo_on_sensitive_locations.pdf)

<sup>iv</sup> New Mexico Faith Coalition for Immigrant Justice: <https://www.nmfaithcoalition.org/>

<sup>v</sup> Illegal immigration in Wikipedia: [https://en.wikipedia.org/wiki/Illegal\\_immigration](https://en.wikipedia.org/wiki/Illegal_immigration)

<sup>vi</sup> National Episcopal Church <http://episcopaldigitalnetwork.com/ens/2017/02/01/episcopal-church-stands-with-refugees-immigrants-and-the-undocumented/>