

The Four Paragraphs immediate below are from:

http://www.sanctuarynotdeportation.org/uploads/7/6/9/1/76912017/interfaith_sanctuary_toolkit.pdf provided on this site: <https://www.afsc.org/sanctuaryincongregations>

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

There are as many ways to interpret the law as there are the scriptures and works of great thinkers. There are many activities within the Sanctuary Movement that are not likely to incur criminal liability, such as declaring your congregation a safe space for undocumented people, advocating for just immigration policies, advocating to help stop a deportation, holding legal clinics, or including undocumented people in your ministries that offer services such as temporary shelter, food, clothing, rides, etc.

The activity that carries the most risk is the invitation to someone who has a deportation order to take safe refuge in a congregation. However, it is not clear if public sanctuary would indeed be breaking the law, or could be successfully prosecuted for harboring, since it is most commonly provided along with a public declaration about the person in sanctuary showing no intent to conceal, hide or harbor. **No congregations have been prosecuted for providing sanctuary in the past forty years.**⁵

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.⁶

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 2011.⁷ 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 the sanctity, even when the groups agreed on little else.

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<https://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-29/0-0-0-8381.html#0-0-0-322> from this link at US Citizenship and Immigration Services, the Official Website of the Department of Homeland Security, is extracted the following, truncated and abbreviated for the portions that would apply to our Quaker Meeting:

INA: ACT 274 - BRINGING IN AND HARBORING CERTAIN ALIENS

Sec. 274. [8 U.S.C. 1324]

(a) Criminal Penalties.-

(1) (A) Any person who-

(i)

(ii) knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, transports, or moves or attempts to transport or move such

alien within the United States by means of transportation or otherwise, in furtherance of such violation of law;

(iii) knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, conceals, harbors, or shields from detection, or attempts to conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation;

(iv) encourages or induces an alien to come to, enter, or reside in the United States, knowing or in reckless disregard of the fact that such coming to, entry, or residence is or will be in violation of law, shall be punished as provided in subparagraph (B); or

(v) **1/** (I) engages in any conspiracy to commit any of the preceding acts, or

(II) aids or abets the commission of any of the preceding acts,

(B) A person who violates subparagraph (A) shall, for each alien in respect to whom such a violation occurs-

(i) in the case of a violation of subparagraph (A)(i) or (v)(I) **2/** or in the case of a violation of subparagraph (A)(ii), (iii), or (iv) in which the offense was done for the purpose of commercial advantage or private financial gain, **3/** be fined under title 18, United States Code, imprisoned not more than 10 years, or both;