

Message Regarding Clergy Obligations

The Episcopal Church continues to affirm its call to preserve the dignity and rights of all people regardless of race, ethnicity, language, creed, or country of origin. The changes made to United States immigration policy in 2025 will present challenges to the Church's role in supporting all immigrants, especially those have been targeted for deportation due to immigration status.

As the Church navigates the changes to this landscape it is important for clergy and congregations to be aware of their rights and responsibilities when interacting with members of law enforcement. It must be understood that places of worship in our country do not enjoy any special legal status to declare themselves sanctuaries for undocumented immigrants. In the United States, laws against knowingly harboring undocumented immigrants can be applied to church leaders in the same way they can be applied to any other persons or organizations.

Until recently, Immigration and Customs Enforcement (ICE) had a policy of not making arrests at places of worship. However, it has been reported that the current presidential administration will be abandoning this practice. This means that clergy may have personal legal obligations as they seek to carry out their ministry to persons affected by these policies. Clergy should know that they cannot knowingly harbor undocumented immigrants without possibly becoming subject to Florida and federal law. Clergy may still provide support to those in need if they are without knowledge or are uncertain of their immigration status.

Clergy have legal obligations when a local, state or federal law enforcement officer seeks to enter church property, whether it be sanctified space, office space, living space or outdoor space. Those legal obligations are as follows:

1. Without a warrant, there is no legal obligation for Clergy to allow law enforcement officers on church property (except in very limited exigent circumstances). Clergy may comply, but they are not legally required to do so.
2. With a valid warrant, Clergy must allow law enforcement to enter church property. Refusal could result in felony charges in addition to the warrant target(s) being taken into custody as well.

3. Occasionally, warrants contain invalidating deficiencies. While Clergy are not expected to be experts on this issue, there are three key elements which a warrant must contain in order for the warrant to be legally valid and enforceable:
 - a. Signature by a judge or magistrate. The Court issuing the warrant should be clearly stated and the signature line should identify the name of the judge or magistrate who signed and approved the warrant. Without any authorizing signature, it is not a valid search warrant.
 - b. Description of the premises: A search warrant must state where the search is to take place. It can be as simple as the address of a building. If there is no description of a location or area law enforcement wants to search, it may not be a lawful warrant.
 - c. Description of Search Target: Searches can be ordered for persons or property. Either way, the target(s) must be specified in the warrant. Warrants which do not specify what or whom the law enforcement officer is looking for may not be valid.

If Clergy are uncertain about the validity of a warrant, it is nonetheless best to comply rather than be arrested or detained along with the warrant target(s). Both Church legal counsel and the target(s)' legal counsel can subsequently raise challenges in court regarding the validity and scope of the warrant(s) at issue.

While Florida law regarding immigration enforcement may or may not be changing soon, Diocesan Clergy should follow best practices which means maintaining strong and open lines of communication with their vestry, fellow clergy, Bishop, and Diocesan Chancellor, as well as continuing to discern how best to serve the most vulnerable of our community.

APPENDIX A

AO 93 (Rev. 11/13) Search and Seizure Warrant

A judicial warrant issued by a court; Una orden judicial es emitida por una corte

UNITED STATES DISTRICT COURT

for the District of New Jersey

In the Matter of the Search of (Briefly describe the property to be searched or identify the person by name and address)

Case No. 17-1234

123 Broad Street, Newark, NJ, Apt. 4

A judicial warrant includes the address being searched; Una orden judicial incluye la dirección de la búsqueda

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the District of New Jersey

123 Broad Street, Newark, NJ: Apt. 4 and all common hallways and lobby of building

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal

John Doe, A-123-456-789, a deportable alien with convictions for crimes involving moral turpitude; Goods stolen from XYZ Retail at 123 Commercial Street, Newark, NJ, on April 1, 2017, in a robbery allegedly involving John Doe.

A judicial warrant includes the time when the search must take place; Una orden judicial incluye el tiempo cuando la búsqueda debe de ocurrir

YOU ARE COMMANDED to execute this warrant on or before April 24, 2017 (not to exceed 14 days) in the daytime 6:00 a.m. to 10:00 p.m. or at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to Jane Smith U.S.M.J. (United States Magistrate Judge)

Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized

for days (not to exceed 30) until, the facts justifying, the later specific date of

Date and time issued: 04/10/2017 10:00 am

Jane Smith Judge's signature

City and state: Newark, NJ

Jane Smith, United States Magistrate Judge Printed name and title

A judicial warrant must be signed by a judge; Una orden judicial debe de estar firmado por una juez

APPENDIX B

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

WARRANT OF REMOVAL/DEPORTATION

An administrative warrant is issued
by DHS or ICE, not a court;
Una orden administrativa de ICE es
emitida por DHS o ICE, no una corte

File No: _____

Date: _____

To any Immigration officer of the United States Department of Homeland Security:

(Full name of alien)

who entered the United States at _____ on _____
(Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

- an immigration judge in exclusion, deportation, or removal proceedings
- a designated official
- the Board of Immigration Appeals
- a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of.

An ICE administrative warrant is signed by an
immigration officer or an immigration judge;
Una orden administrativa de ICE es firmada por un
oficial de inmigración o juez de inmigración



(Signature of immigration officer)

(Title of immigration officer)

(Date and office location)