

Safe to Worship, Learn, Heal and Be a Good Neighbor to All

A guide to support worship without fear, learning without distraction, healing without shame and to be a good neighbor to all.

“Belonging to a community is a fundamental expression and affirmation of the dignity of every person”.¹ The Diocese of Sacramento reaffirms its commitment to keep its sites safe so that its faithful can worship, learn, heal, receive services and be a good neighbor to all regardless of the faithful’s immigration status. Our families are the basic unit of the social fabric of society. When their stability is compromised and families are torn apart, the foundations of freedom, security, and fraternity within a society are broken. The Diocesan Immigrant Support Network hopes that law enforcement, at all levels, recognize the importance of respectful collaboration with schools, places of worship, hospitals, and community centered sites.

On January 21, 2025, the Department of Homeland Security announced through press release that the enforcement policy at “sensitive locations” was rescinded, thereby expanding the areas in which immigration enforcement activities could take place. These policy changes “disrupt families and communities, deter individuals from accessing essential services such as education, healthcare, and infringe upon their right to practice their faith freely”.²

Purpose: The purpose of this guide is to provide general information and recommendations for clergy and site supervisors to consider in response to the rescission of the “sensitive sites” policy. This guide is **not** a policy, directive, or requirement; each site is invited to discern which guidance and recommendations are suitable and appropriate for them to implement. Sites are encouraged to contact legal counsel for specific questions.

Scope: This guide may be used by the following sites within the Diocese of Sacramento:

- Catholic Schools (elementary to high school level)
- Newman Centers
- Parishes
- Catholic Charities organizations
- Catholic Mortuaries, Cemetery & Funeral Centers

Contents:

- General Information for All Sites
- Definitions & Examples
- Recommendations for Site Policies

¹ <https://www.scd.org/news/bishop-jaime-sotos-statement-immigration-executive-orders>

² <https://www.cliniclegal.org/press-releases/clinic-appalled-new-policy-threatening-immigrant-safety-protected-areas-and>

General Information for All Sites

Immigration Officers visiting a site

Immigration Officers may visit your Site but are limited to “public areas” such as lobbies, waiting areas, and parking lots. “Non-public areas” or “areas that are private” at Sites include areas where visitors are not allowed without permission, such as classrooms, offices, or areas marked as “private”. Immigration Officers cannot enter the non-public areas or areas that are considered private at the Site unless Site staff give permission to, exigent circumstances exist, or they have a valid Judicial Warrant.

Responding to an Immigration Officer Visit to a site

If an Immigration Officer(s) visits your site, please follow your site’s Visitors Policy.

Site staff are **not** required to give immigration officers permission or consent to enter a non-public area of the site or to conduct a search of any kind **unless** there are **exigent circumstances** or they present a signed, **Judicial Warrant** (search & seizure).

Exigent circumstances include, but not limited to, actions involving a national security threat, imminent risk of death, violence or physical harm to a person, while in hot pursuit of a person posing a public safety threat, etc.

Judicial Warrant: Issued by a District Judge, when probable cause has been found, authorizing the search and seizure of property, the entry into a non-public space to arrest a person named in an arrest warrant, or the arrest of a named person.

This is a judicial search warrant. It DOES authorize agents to enter your home.

AO 93 (Rev. 12/09) Search and Seizure Warrant

UNITED STATES DISTRICT COURT < Issued by a COURT.

for the
Eastern District of California

In the Matter of the Search of)
(Briefly describe the property to be searched)
or identify the person by name and address) Case No.
)
540 Oak Avenue)
Devlin, California 95616)

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer 2: 11 - SW - 0161 EFB

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 EASTERN District of CALIFORNIA
(Identify the person or describe the property to be searched and give its location):
SEE ATTACHMENT A, ATTACHED HERETO AND INCORPORATED BY REFERENCE

Read attachments to make sure they are regarding YOU and YOUR address, not someone else's.

The person or property to be searched, described above, is believed to conceal (Identify the person or describe the property to be seized):
SEE ATTACHMENT B, ATTACHED HERETO AND INCORPORATED BY REFERENCE

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property. Date for warrant, not to exceed 14 days

YOU ARE COMMANDED to execute this warrant on or before 5-9-2011
(not to exceed 14 days)

in the daytime 6:00 a.m. to 10 p.m. at any time in the day or night as I find reasonable 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 United States Magistrate Judge _____
(name)

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

Date and time issued: 4-25-2011 Signed by a JUDGE.
at 10:00 AM

City and state: SACRAMENTO CALIFORNIA EDMUND F. BRENNAN, U.S. MAGISTRATE JUDGE
Printed name and title

When Immigration Officer(s) request to conduct immigration-enforcement activities at a site:

Advise the Immigration Officer(s) that they will **not** be given permission to conduct immigration-enforcement activities **unless** they have a signed, Judicial Warrant authorizing search and seizure at the site **or** if exigent circumstances exist at that moment.

If a signed **Judicial Warrant** (see above) is provided by the Immigration Officer, site staff should make a copy and comply with the warrant. Legal counsel should be consulted as soon as possible. **Please note**, site staff may ask Immigration Officers to carry out the Judicial Warrant in the least disruptive manner possible.

In the event of **Exigent Circumstances**, site staff should comply with the officer's orders and immediately notify site Leadership or designated person of the situation, consulting legal counsel is highly recommended.

- Site staff should not attempt to physically impede the officer, even if the officer appears to be exceeding the authorization given under a warrant or other document.

Sites should follow their communications policy regarding visits from outside agencies. If no such policy exists, Supervisors are encouraged to determine if such a policy is necessary.

Responding to Immigration Officer's request for information or record of a student, parishioner, client or their families:

Site staff is **not** required to provide information or records about students, parishioners, clients, and/or their families **unless** the Immigration Officer presents a **Judicial Warrant** or Court order. Site staff should follow their policy on confidentiality of data and records.

If site staff are presented with a subpoena or ICE administrative warrant, they may decline to provide the documents and information requested until they receive further instructions from their supervisor.

Site staff may decline to provide the documents and information requested if presented a Subpoena or ICE Administrative Warrant.

It's recommended that each site have readily available their policy on the confidentiality of student, parishioner or client information. A review of your data-collection practices should be conducted and all staff trained on the most updated policies and procedures.

Immigration Officers at Site-Sponsored Community Events or Mass:

If the site-sponsored community event or mass is open to the public, Immigration Officer(s) can attend just like any member of the public. The **Fourth Amendment** protects all individuals from unreasonable search and seizure, which means that law enforcement officers, including Immigration Officers, cannot search a person or detain them unless:

- the person gives consent or permission to the search and seizure/detention
- the officer has a valid warrant authorizing search and seizure of that person
- exigent circumstances exist, such as:
 - instances where law enforcement action involves a national security threat
 - there is imminent risk of death, violence, or physical harm to a person
 - enforcement involves the hot pursuit of an individual who is a public safety threat
 - there is imminent risk that evidence material to a crime case will be destroyed
 - a safe alternative location does not exist

The **Fifth Amendment** ensures the right to remain silent when confronted by law enforcement. Remaining silent is important because the Immigration Officer, before detaining someone, must have probable cause to believe the person is “removable” (i.e. they knew the person had no lawful status, or subject to a removal, or the person ran away from them).

Building Community

Sites should continue to build community with their staff, those they serve and their neighbors. Sharing your mission, your services, your policies helps maintain trust and ensures that everyone feels welcomed and safe to participate in prayer, sacraments, and services offered at sites.

Definitions & Examples

1. Immigration-enforcement officers or immigration officers: law enforcement officers working within the Department of Homeland Security, and its agencies such as: U.S. Immigration & Customs Enforcement (ICE), U.S. Customs & Border Patrol (CBP).

- **Department of Homeland Security (DHS):** DHS's mission is to secure the nation from threats.



- **Immigration Customs & Enforcement (ICE):** promotes homeland security and public safety through the criminal and civil enforcement of federal laws governing border control, customs, trade, and immigration.



- **Customs & Border Patrol (CBP):** CBP's priority mission is to keep terrorists and their weapons out of the U.S., it secures and facilitates trade and travel while enforcing regulations, including immigration and drug laws.



2. ICE Administrative Warrant: Authorizes an immigration officer to arrest a person suspected of violating immigration laws, it is the most typical type of warrant used by immigration. **(See Appendix A for Example)**

- This is **not** a warrant within the meaning of the Fourth Amendment, it is not issued by a court judge and therefore **not** a court order.
- This warrant does **not** grant an immigration officer any power to compel a staff member or representative to cooperate in an investigation, enter private areas, nor conduct searches of non-public spaces of private property sites.

This is issued by DHS, NOT a court

U.S. DEPARTMENT OF HOMELAND SECURITY Warrant for Arrest of Alien

File No. _____

Date: _____

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon:

- the execution of a charging document to initiate removal proceedings against the subject;
- the pendency of ongoing removal proceedings against the subject;
- the failure to establish admissibility subsequent to deferred inspection;
- biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

Signed by an immigration officer, NOT a judge

(Signature of Authorized Immigration Officer)

(Printed Name and Title of Authorized Immigration Officer)

| Certificate of Service | |
|--|---|
| I hereby certify that the Warrant for Arrest of Alien was served by me at _____ (Location) | |
| on _____ (Name of Alien) | on _____ (Date of Service), and the contents of this |
| notice were read to him or her in the _____ (Language) language. | |
| _____ (Name and Signature of Officer) | _____ (Name or Number of Interpreter (if applicable)) |

This is an ICE administrative warrant. It does NOT authorize immigration agents to enter your home!

Form I-200 (Rev. 09-16)

- 3. Judicial Warrant:** Issued by a District Court Judge or State Judge, based on finding of probable cause authorizing the search and seizure of property, the entry into a non-public space to arrest a person named in an arrest warrant, or the arrest of a named person.
- When presented with a Judicial Warrant, site staff should follow policy established for compliance with a court warrant. If no policy is established, please seek legal counsel to establish a policy.
 - Check that your site's location is correctly listed and that it is signed by a Judge.
 - Check the warrant is being executed during the time period specified on the warrant.

This is a judicial search warrant. It DOES authorize agents to enter your home.

AO 53 (Rev. 12/09) Search and Seizure Warrant

UNITED STATES DISTRICT COURT - Issued by a COURT.
for the
Eastern District of California

In the Matter of the Search of)
(Briefly describe the property to be searched)
or identify the person by name and address) Case No.)
540 Oak Avenue)
Davis, California 95616)

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer **2:11-SW-0161 EFB**

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 EASTERN District of CALIFORNIA.
SEE ATTACHMENT A, ATTACHED HERETO AND INCORPORATED BY REFERENCE

Read attachments to make sure they are regarding YOU and YOUR address, not someone else's.
The person or property to be searched, described above, is believed to conceal (Identify the person or describe the property to be searched):
SEE ATTACHMENT B, ATTACHED HERETO AND INCORPORATED BY REFERENCE

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property. Date for warrant, not to exceed 14 days
YOU ARE COMMANDED to execute this warrant on or before 5-9-2011 (not to exceed 14 days)

in the daytime 6:00 a.m. to 10 p.m. at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and 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 United States Magistrate Judge _____ (name)

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 (check the appropriate box) for _____ day(s) (not to exceed 30).
 Until, the facts justifying the later specific date of _____

Date and time issued: 4-25-2011 **Signed by a JUDGE.**
at 10:00 AM **EDMUNDO F. BRENNAN**

City and state: SACRAMENTO CALIFORNIA **EDMUNDO F. BRENNAN, U.S. MAGISTRATE JUDGE**
Printed name and title

- 4. Immigration or Administrative Subpoena:** a document requesting the production of documents or other evidence that is issued by an immigration officer.
- This is **not** a court order to produce documents or other evidence.
 - Site staff may decline to produce the information sought in the administrative subpoena and report the request to supervisor and legal counsel.

1. To (Name, Address, City, State, Zip Code)
Manager: [redacted]@ebholdr.org
Oakland, California 94601

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION ENFORCEMENT
SUBPOENA
to Appear and/or Produce Records
8 U.S.C. § 1225(c), 8 C.F.R. § 287.4

2. In Reference To
Immigration filing on behalf of [redacted] (File Number, if Applicable)

By the service of this subpoena upon you, **YOU ARE HEREBY SUMMONED AND REQUIRED TO:**

(A) **APPEAR** before the U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), or U.S. Citizenship and Immigration Services (USCIS) Official named in Block 3 at the place, date, and time specified, to testify and give information relating to the matter indicated in Block 2.

(B) **PRODUCE** the records (books, papers, or other documents) indicated in Block 4, to the CBP, ICE, or USCIS Official named in Block 3 at the place, date, and time specified.

Your testimony and/or production of the indicated records is required in connection with an investigation or inquiry relating to the enforcement of U.S. immigration laws. Failure to comply with this subpoena may subject you to an order of contempt by a federal District Court, as provided by 8 U.S.C. § 1225(d)(4)(B).

3. (A) CBP, ICE or USCIS Official before whom you are required to appear
Name [redacted]
Title Immigration Officer
Address USCIS 630 Sansome Street, Rm. 1226
San Francisco, California 94111
Telephone Number 415-248-6419

(B) Date 04/28/2017
(C) Time 0900 a.m. p.m.

4. Records required to be produced for inspection
Please provide a copy of the lease for [redacted] Street, [redacted] in Oakland, California. The lease should include the names of the current occupants. If there are no current occupants, please provide a copy of the lease for the previous occupants.

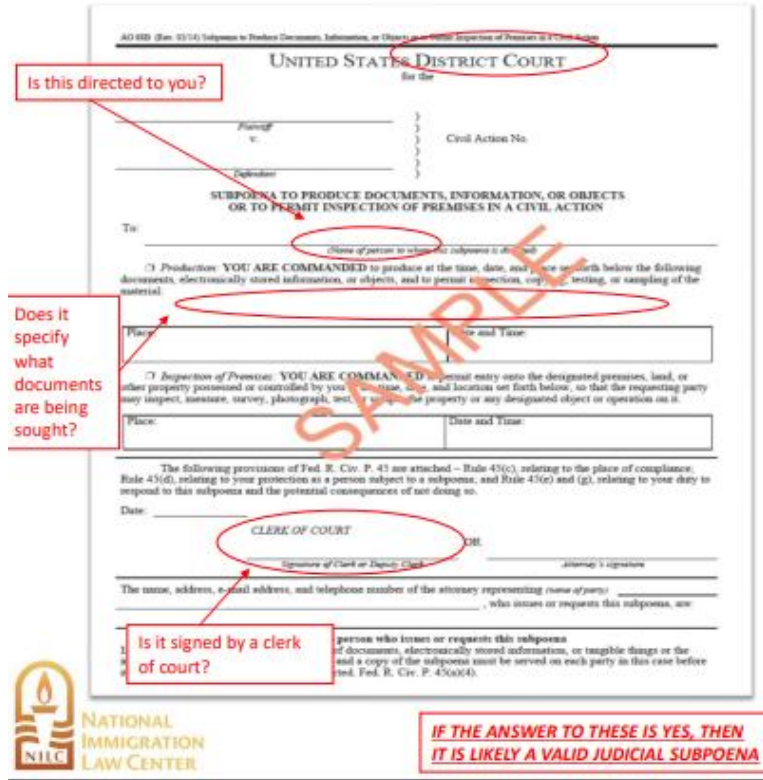
5. Authorized Official
[redacted] (Signature)
[redacted] (Printed Name)
Supervisory Designation Officer
(Title)
04/18/2017 (Date)
(Date)

If you have any questions regarding this subpoena, contact the CBP, ICE, or USCIS Official identified in Block 3.

DHS Form I-138 (5/09)

THESE ARE VISUAL CUES THAT THIS IS AN IMMIGRATION SUBPOENA

- 5. Judicial Subpoena:** A document issued by a federal court judge requesting documents and/or evidence to be provided by a specified date and time.
- Site staff can decline to produce the information requested in the subpoena until reviewed by a Supervisor or legal counsel.



The image shows a sample of a US District Court subpoena form. Red boxes and arrows highlight key areas for verification:

- Is this directed to you?** Points to the "To:" field, which is circled in red.
- Does it specify what documents are being sought?** Points to the "Produced" section, which is circled in red.
- Is it signed by a clerk of court?** Points to the signature line, which is circled in red.

A large red "SAMPLE" watermark is overlaid on the form. A red box at the bottom right contains the text: **IF THE ANSWER TO THESE IS YES, THEN IT IS LIKELY A VALID JUDICIAL SUBPOENA**.

Recommendations for Site Policies

Recommendations for visitor policies:

The following are some recommendations for sites to consider including in their Visitors Policy:

- No outsider, which would include immigration enforcement officers, shall enter, or remain on the grounds of [Site Name], without having registered with the receptionist.
- Visitors, including immigration officers, shall not access or enter the non-public areas of [Site Name] unless they are given explicit permission to do so.
- Immigration Officers:
If there are no exigent circumstances necessitating immediate action, and if the immigration officer does **not** possess a **Judicial Warrant** (search & seizure) that provides a basis for the visit, the officer must provide the following information to the Site designee:
 - Name, address, occupation
 - Age, if less than 21
 - Purpose in entering school grounds
 - Proof of identity
 - Any other information as required by law
- Site Staff shall report entry by immigration-enforcement officers to the appropriate administrator/supervisor, as with any unexpected or unscheduled outside visitor coming on campus and in accordance with other [Site Name] policies on how to handle law enforcement visits to the site.
- Sites should consider posting signs at the entrance of the site notifying visitors/outside of the hours and requirements for registration.

Recommendations for policies in the event of Immigration Enforcement Activities at the site:

The following are some examples for sites to consider:

- Site staff should notify their Supervisor/Designated Person of any request by an immigration officer to access the Site's non-public spaces, or question, search or detain a staff member, volunteer, guest, or client of the site.
- Site staff should take the following steps in response to an immigration officer present at the site specifically asking for access to conduct immigration-enforcement activities:
 - Advise the officer that before proceeding with his or her request, and absent exigent circumstances, site staff must first receive notification and direction from their supervisor/designated person.
 - Ask to see, and make a copy, of the officer's credentials (name and badge number), phone number and their supervisor's contact information.
 - Ask for the officer's reason for being at the Site.

- Ask for the officer for the documentation that authorizes them to conduct such activities at the Site, make a copy of all documents provided by the officer.
 - Judicial Warrant (search & seizure): **staff is legally required to comply with this warrant, consult with legal counsel if possible**
 - Administrative warrant: does not require staff to give permission to access the school's non-public spaces
 - Subpoena for production of documents or other evidence: compliance is not required
- If the officer declares that exigent circumstances exist and demands immediate access, Site staff should comply with the officer's orders and immediately contact their Supervisor/Designated Person.
- While Site staff should not consent to entry to the [Site Name] non-public spaces, staff should not attempt to physically impede the officer, even if the officer appears to be exceeding the authorization given under a warrant or other document.
- Site Staff should document the encounter with immigration officers conducting immigration enforcement activities:
 - Officer's credentials and contact information
 - Identity of Site staff who communicated with the officer
 - Whether the officer presented a document with their request to access the school's non-public spaces; documents include warrant or subpoena and whether the document was signed by a judge (a copy of the document presented is best).
 - Site staff's response to the officer's request.
 - Any further action taken by the officer

Policy Recommendations for Requests for Information and Documents by an Immigration Officer:

The following recommendations are for Sites to consider. These recommendations do not address requests by Immigration Officers for information or documents related to employees, contact the Department of Lay Personnel or your site's Human Resources department for recommendations and policies.

- Site staff do not need to comply with immigration subpoenas or immigration warrants. Please make a copy of such documents, and site Supervisor will review to determine what compliance, if any, is necessary.
- Site staff should be familiar with policies related to records management and confidentiality so that each member has a sound understanding of the circumstances required to disclose information.