

Sensitive Locations Guidance for Parishes

Understanding the implications of the “Sensitive Locations” rescission, constitutional rights at parishes, and how to prepare for immigration raids

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A message from El Paso Bishop Mark J. Seitz



'At the border, we are already seeing many significant actions from the federal government related to immigration that deeply affect our local community and raise urgent moral and human concerns.

'The end of the Department of Homeland Security's sensitive locations policy strikes, as it is undoubtedly intended to do, fear into the heart of our community, cynically layering a blanket of anxiety on families during the most important, tender and vulnerable moments in their lives – dropping and picking off children at school, seeking healthcare and worshipping God.

'We have also seen the rapid and effective closure of the border to asylum seekers, violating due process and restricting the few legal options available to the most vulnerable who knock on our door seeking our compassion and aid.

'I direct my words to our local immigrant community. Whatever your faith and wherever you come from, we make your anxieties and fears at this moment our own. We stand with you in this moment of family and personal crisis and pledge to you our solidarity, trusting that the Lord, Jesus Christ, will bring about good even from this moment of pain, and that this time of trial will be just a prelude to real reform, a reconciled society and justice for all those who are forced to migrate.

'In response, the Diocese of El Paso will continue to educate our faithful on their rights, provide legal services and work with our community leaders to mitigate the damage of indiscriminate immigration enforcement. Through our Border Refugee Assistance Fund, in partnership with the Hope Border Institute, we are preparing to channel additional humanitarian aid to migrants stranded in our sister city of Ciudad Juarez.'

Bishop Mark J. Seitz

January 22, 2025

What are Sensitive Locations?

“Sensitive locations” or “protected areas” refer to places of worship, hospitals, schools, public demonstration places, and social service agencies. These are places where people are seeking medical care, spiritual guidance, education, and access to other essential services.

Since 2011, the Department of Homeland Security issued a memorandum instructing immigration enforcement agencies not to take enforcement actions (like an arrest, search, service of a subpoena and others) in or near a sensitive location “to the fullest extent possible.” The policy did not prohibit enforcement actions in these locations (for example, when the

enforcement action involved a “national security or terrorism matter”), but it established additional protections and considerations for these places. The memorandum was in place during the Obama, Trump, and Biden administrations.

What does the rescission of the Sensitive Locations Policy mean?

The Trump administration rescinded the Sensitive Locations Memorandum on January 20, 2025. In its place, the administration issued a new memorandum that instructed agents to “use a healthy dose of common sense,” eliminating all internal processes previously required to conduct an immigration enforcement operation at sensitive locations.

This means that immigration agents may conduct immigration enforcement operations (stops, questioning, arrests, or raids) near or in places of worship and other sensitive locations.



REMEMBER. It continues to be unlikely that immigration enforcement operations happen in or near sensitive locations. However, it is still possible some may happen, and you should be ready. Continue reading to be prepared.

What protections exist? Know Your Rights!

Constitutional Protections for Parishes

Private areas in parishes are protected under the 4th Amendment of the Constitution. Private areas are generally understood as places where there is a “reasonable expectation of privacy,”

such as offices, classrooms, conference rooms, and other areas marked as “private,” “staff only,” and with similar signs. Agents attempting enforcement in these private areas require: 1. Consent from an individual with authority over the place to conduct such enforcement action; 2. A judicial warrant (a warrant signed by a judge), or 3. The presence of exigent circumstances (for example, someone running or fleeing from agents).

Agents may be able to access public spaces, such as parking lots or temple areas that are open to the public.



However, being in a public area does not give agents the authority to stop, question, or arrest anyone without a judicial warrant or probable cause (such as someone disclosing their immigration status). In addition, agents cannot disrupt parishes’ activities or mission without a proper judicial warrant.

Constitutional Protections for Parishioners and Staff

Individuals at parishes, either congregants or staff, also have constitutional rights:

1. Right not to consent to searches of oneself or one’s property without a judicial warrant under the 4th Amendment.
2. Right to remain silent under the 5th Amendment.
3. Right to speak to an attorney under the 6th Amendment.

In the case of worksite inspections, if agents have provided a three-day notice of an I-9 worksite inspection, they do not need a judicial or administrative warrant. During worksite inspections, employees have the right to remain silent and not hand any IDs or papers to agents. They should refer agents to speak with the parish supervisor or pastor. Parish supervisors or pastors are not required to provide agents with employee records unless presented with a subpoena, a judicial warrant, or a notice of inspection for I-9 forms. Parish supervisors also have the right to speak to an attorney before answering any questions from the agents or signing any documents.



What is a judicial warrant and why is it important?

ICE and other agencies may generally present **administrative warrants** issued by the same ICE rather than a judge and are **NOT VALID** for conducting searches.

ICE and other agencies can only enter non-public areas or detain someone if they have a **valid judicial warrant**. For a judicial warrant to be valid, it **must**:

1. Accurately describe the church property (with correct address) as the place to be searched,
2. Accurately define the scope of the premises to be searched,
3. Have the correct date and be issued within the past 14 days, and
4. Be signed by a US magistrate judge.

If the warrant is missing one of these elements or one of the elements is not accurate, it is **NOT** a valid judicial warrant and the agents cannot conduct the search.



Visual examples of an administrative warrant and a judicial warrant

This is an administrative warrant and is NOT legally sufficient to access non-public areas of parishes or conduct searches.

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement
WARRANT OF REMOVAL/DEPORTATION

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:

(Signature of immigration officer)

(Title of immigration officer)

(Date and office location)

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This ICE Warrant is **NOT** legally sufficient to allow immigration agents into homes or the non-public areas of facilities, buildings, organizations, businesses, or other premises.

This is a judicial warrant and, if all the fields are correct and is signed by a judge, is legally sufficient to access private spaces and conduct searches (always within the scope of the warrant).

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

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)
)
)

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 _____
(Identify the person or describe the property to be searched and give its location):
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 (Identify the person or describe the property to be seized):
John Doe, A-123-456-789, a deportable alien with convictions for crimes involving moral turpitude;
Goods stolen from XYZ Retail at 123 Commerce Street, Newark, NJ, on April 1, 2017, in a robbery allegedly involving John Doe.

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. 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 (check the appropriate box)
 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 _____
City and state: Newark, NJ _____
Jane Smith, United States Magistrate Judge
Printed name and title

This judicial search and seizure warrant is legally sufficient to allow agents into homes and other non-public places.



What happens if immigration agents come to my parish?

If agents are in public spaces

1. Stay calm.
2. Exercise your Constitutional rights: right to remain silent and not respond to any question regarding your immigration status (in Texas, if you are detained, you must only provide your name, date of birth and residence address information), right to speak to an attorney, right not to consent to unlawful searches without a proper judicial warrant.
3. Do NOT run away, hide, instruct people to hide or follow orders to separate into groups depending on your immigration status.
4. Do NOT lie about your status (you have the right to remain silent) nor provide false information or documentation.
5. If you feel safe, you may record agents if you don't interfere with their operations.

If agents request to enter private spaces

1. If you are a staff member, call your parish supervisor or pastor and ask agents to wait until they arrive.
2. Ask agents to provide their names and IDs, supervisor's phone number, reason for visit, and valid judicial warrant. Instruct agents to remain outside of the private space or in a public designated space.
3. Inspect the warrant. Ensure that it: 1. Accurately describes the church property (with correct address) as the place to be searched, 2. accurately defines the scope of the

premises to be searched, 3. has the correct date and is issued within the past 14 days, and 4. is signed by a US magistrate or judge, having the word “court” on it. Take a picture of the warrant. In case of doubt, consult with the diocesan counsel or the Chancellor.

4. If the warrant does not meet all the requirements for a valid judicial warrant or is an administrative warrant (or even agents do not have any warrant), the parish supervisor or pastor may instruct agents to abandon the property.

If agents enter private spaces without a judicial warrant

1. Do NOT resist nor interfere with the operation.
2. Remind agents that you do NOT consent to the search in your private areas.
3. Ask agents for their names, IDs and supervisor’s contact information.
4. Record everything with your phone without interfering with their operation and announcing it to agents. If you cannot record the event with your phone, write down as many details as possible.

If agents detain someone in parish premises

1. Do NOT interfere with the agents’ operation and remain at a reasonable distance.
2. Parish leadership can ask for the names and IDs of agents. Take note of them.
3. If you feel safe, record any interactions with the agents with your phone and announce that you are doing so. If you cannot record the event with your phone, write down as many details as possible.
4. Ask agents for permission to talk to the person being detained and obtain the contact information of anyone who should be informed of their detention (e.g., an attorney, a

relative, a friend...). Ask the person if they authorize you to release that information to the contact provided.

5. You may ask agents where the person will be detained.

What should I do after an immigration raid or detention at my parish?

1. Leadership should immediately notify the Chancellor about the presence and/or operation of agents in the premises and provide the following information:
 - a. Date and time of occurrence
 - b. Did agents provide a warrant signed by a judge?
 - c. Picture of warrant or warrant number
 - d. If possible, identifying information of agents involved, including agency, officer name, and badge number.
 - e. Incident details
2. Provide support to individuals present during the operation, for example, by organizing a prayer session or providing counseling information.
3. Accompany the family or designated person of contact of the detained person, if any, to seek legal aid and locate their relative in detention. You may find someone in detention by logging their information here: <https://locator.ice.gov/odls/#/search> (the information may take a day to appear). You may find pro-bono or low-cost legal aid by searching here: <https://www.immigrationadvocates.org/legaldirectory/>.

Be prepared; make a plan!

1. Enhance your 4th Amendment protections!
 - a. Parishes and places of worship may clearly designate private spaces by hanging “PRIVATE” signs in places such as offices, conference rooms, classrooms, kitchens, and other spaces. Remember: agents will need a valid judicial warrant to access these spaces.
 - b. Parishes may develop protocols to restrict public access to certain places in their temples.
 - c. Parishes may want to reiterate that their services, resources and information are provided to all people based on their faith-based values.
2. **Know Your Rights!** Before an immigration raid or operation, schedule a training for all your parishioners and staff members so they know their constitutional rights and how to act.
 - a. If you are a parish in El Paso, contact Sister Leticia Gutiérrez, the El Paso Diocese Migrant Hospitality Ministry Executive Director, at lgutierrez@elpasodiocese.org.
3. Make Know Your Rights information readily available to all parishioners by printing the information available at hopeborder.org/kyr (available in English and Spanish).
4. **Learn about efforts to protect sensitive locations.** There have been multiple legal challenges in court to the rescission of the sensitive locations policy. Congress has also introduced legislation to make sensitive locations protections law. Keep updated about the latest developments of all these efforts and how they may benefit your parish or congregation by subscribing to the #FronteraDispatch, HOPE’s weekly newsletter, at <https://www.hopeborder.org/frontera-dispatch>.

Remember: You have constitutional rights. Be prepared: Learn more at hopeborder.org/kyr.

Disclaimer: This content is intended to serve as general information; it is not legal advice nor intended as legal advice. If you have specific questions, please consult with an attorney.