

Sanctuary Church:
Questions and Response for FCC

Question: What is Sanctuary?

Response: Sanctuary is an emergency moral response. It is about families, faith, and justice. Families being torn apart is morally wrong. So, the ministry of Sanctuary is a practice of faith to take emergency action to stop it. Sanctuary is a faith-based, justice-oriented action of civil disobedience. Sanctuary is not a legal term.

Q: Can we shelter people in our church building?

R: This response can only be made by the congregation. First, we should discern whether or not we are called to Sanctuary ministry. Then we decide whether or not we have the physical resources necessary for the discerned ministry. We hope what follows helps the congregation make an informed, prayerful decision concerning our resource capabilities. (The primary document, the Resolution, is meant to assist in our discernment of Sanctuary ministry as a manifestation of our vision and mission.)

Q: Where will we shelter people?

R: Whatever space we provide will be dedicated and posted as “private.” The need for separate sleeping space(s) for families, women, and men will be respected. The fourth and/or fifth floors make the most sense; however, there is a significant amount of lead abatement necessary for both floors, and the fourth-floor restrooms are in need of reconditioning. If we accept a person or family into Sanctuary before the delayed maintenance is addressed, we will use other clean, safe spaces (like the second-floor Library or Chapel).

Q: How will we feed people/families in Sanctuary, and what about furnishings?

R: Our guests will not want to be treated as helpless, and we are not babysitting anyone. Our guests would be here by personal, free choice. Therefore, we will do our best to guard the dignity of any neighbor who seeks Sanctuary here. The people/families will be required to accept personal responsibilities of self-care. This means our guests will prepare their own meals and clean the space they occupy. We will receive needed donations of food and furnishings, and at least one community immigrant rights partner has already promised help in coordinating donations to a church like FCC (or whichever faith community takes a person/family into Sanctuary).

In addition, the people/families who are seeking Sanctuary are likely longer-term residents in the U.S., and have family members, friends, and community connections who will be able to assist them with food, furnishings, taking children to school, etc. The local Latino community is very well organized, and has already been meeting needs related to current immigration enforcement; and regardless of our decision, this will continue, and prove to be of great assistance to any church who discerns and announces themselves as Sanctuary.

Q: What kind of volunteer and staff resources would sanctuary require?

R: When a person/family requests to take Sanctuary, there will be intake and orientation work to be resourced by staff and volunteers. After the guest and Senior Minister affirm a confidential Agreement of Sanctuary, the only foreseeable volunteer and staff resources necessary are general hospitality. Community partners have indicated a desire to help. We do not foresee any extra burden on our custodial staff, because those in Sanctuary will be responsible for cleaning up after themselves.

Q: Would someone from the church need to stay overnight with our guests?

R: Security within the building is already handled with current procedures, and it is not believed to be necessary for a church member to stay overnight for that purpose. However, materials about supporting Sanctuary indicate that having someone staying near the entrance can be reassuring to those receiving Sanctuary, and needed in the event ICE does request entry in the building after hours. While the latter is not likely, it is something to be considered by a committee or team assigned to this ministry. Various solutions could be considered ranging from an approved group of volunteers to rotate this responsibility to using some donated funds to hire an overnight person. With congregational oversight, overnight volunteers do not necessarily need to be a member of the church.

Q: How long would our guest(s) be in Sanctuary?

R: This is unknown. We should prepare ourselves for our guests to be with us for as little as a few weeks and up to 18 months. The ultimate goal of Sanctuary is for the person/family to be granted due process in their deportation hearings, with a hopeful result of a full stay of deportation.

Q: Is there a maximum number of persons/families we can host at one time?

R: Immediately, and providing a lockable, dedicated space for a person/family, we can only provide shelter for one (1) person/family. Once delayed maintenance of our four and/or fifth floor is addressed, we estimate our building can shelter up to nine (9) families. Donations of food, supplies, and furnishings impact this number, and we are limited by having no showers.

Q: How will our guests be chosen?

R: We will empower our Senior Minister, or our Minister of Family Life in the absence of our Senior Minister, to do the time-sensitive and necessary vetting of any person/family requesting Sanctuary. Vetting will include such actions as: consultation with immigration attorney(s) to confirm the requester is indeed at risk of "immediate deportation," local organizers and/or clergy from neighboring faith communities will be contacted to vouch for the need for Sanctuary, the person/family seeking Sanctuary will be required to have retained legal counsel, and the requesting person/family with their lawyer and our Senior Minister will have to form and execute a plan to make public their current status as being "in Sanctuary at FCC." Further, our guests will be required to affirm a confidential Agreement of Sanctuary.

Q: What are the legal repercussions for the church?

R: The act of providing shelter to undocumented immigrants with the intent of preventing an arrest by US Immigration officials likely meets the definition of the crime of knowingly "harboring," or attempting to conceal from detection any alien who has entered or remains in the United States without legal status (INA 274(a)(1)(A)). If convicted of this crime, the penalty is a fine and/or imprisonment of not more than 5 years. The statute indicates that "harbor" can "be in any place, including a building," but beyond that Congress has not defined the term.

Decisions in federal circuit courts give us some guidance. First, it is important that FCC does not make any financial gain from those seeking Sanctuary, so FCC should not collect rent. Second, FCC should avoid transporting anyone seeking Sanctuary, as "transport" could trigger other provisions in the statute that have more serious consequences. Finally, FCC should not act to deceive or actively impede immigration officials, such as lying about who is in the building or denying ICE entry if they have a warrant.

The "Sanctuary" protection FCC seeks to invoke is based on internal ICE guidelines which direct ICE agents to avoid sensitive areas such as churches when undertaking immigration enforcement actions. If ICE does seek entry and for the purpose of making inquiries or arrests, FCC can seek to deny entry to ICE agents who do not have a warrant. If ICE agents do not have a warrant, FCC may be asked to release names or other personal information of individuals seeking Sanctuary in the FCC building to ICE. It may be advisable, therefore, not to collect or have on hand any personal information of individuals seeking Sanctuary so that any FCC member can state in good faith that such information is not available. To be clear, if ICE officials DO have a warrant to enter FCC, it is not recommended that any FCC member/staff attempt to stop an immigration arrest at that point. If there is an immigration arrest, FCC's best tool is to document what is happening and report it to the press.

In sum, there is some risk that by providing shelter to undocumented immigrants, someone—most likely the pastor or other official in charge—could be arrested, charged, and convicted for the crime of knowingly harboring an alien who is in the US without legal status. However, the above policies could help to minimize the legal consequences to the Church and its members of such actions. And finally, since ICE's internal policy of avoiding churches appears to be an attempt, in part, to avoid bad press, then FCC's most effective strategy may be to shed as much public light on the issue as possible.

Q: Would serving as Sanctuary violate local building ordinances?

R: Providing this is a ministry activity—we will not collect rent and we will not convert any portion of the building into apartments or boarding rooms—a case might be made that Sanctuary is no different than any other ministry activity within our church walls; protected under the First Amendment of the U.S. Constitution.

However, the City of Des Moines has yet to address the specific question of a church (like ours) serving as a sheltering Sanctuary to people in "immediate risk of unjust deportation" in a building that does not have fire alarm and sprinkler systems. There is some question whether or not we would violate the current occupancy code for our church building,

specifically after thirty (30) days of consistent sheltering. To our knowledge, a church serving as Sanctuary is untested policy for the City of Des Moines; therefore, there is no answer to how the City will react to a church who is seen to be in violation of the current occupancy code.

The most applicable reason “sleeping units” in city code are required to have fire alarm and sprinkler systems is to lessen the risk of a building fire resulting in death. A church built today is required to have fire alarm and sprinkler systems, regardless of sleeping units; therefore, this risk is neither new nor unfamiliar when doing ministry in an older church building.

Q: Does FCC’s liability insurance cover such a ministry activity?

R: In addition to over \$8,000,000 of property insurance, the church carries over \$2,000,000 of commercial liability insurance and over \$2,000,000 of professional liability specific to faith communities (including directors and officers). Our insurance covers fire, vandalism, damages, personal accidents, and all ministry related activities.

Q: What other risks are involved in providing Sanctuary, and who bears the risk?

R: The primary risks have been named already: Providing “Sanctuary” is an act of civil disobedience, i.e., an act of openly not obeying a law that is believed to be ‘immoral’ or applied in an immoral way. Therefore, positive and negative publicity can result, including possible public arrest of our pastor(s). Our building is not optimal for providing even temporary housing, and could be subject to fines or other ramifications for lacking a sprinkler system. We will need to rely on recommendations and experiences of others who know the person/family receiving Sanctuary, and there is no further way to independently verify the character of the person/family. In short, most risks involved are no different than preexisting risks we already accept as a faith community doing ministry in this building.

Q: What risk is there for not providing Sanctuary?

R: Like other acts of civil disobedience in history, providing Sanctuary would be a visible message of love and justice to our community and more broadly in the state and country. Only when people’s stories come to light does the general public become shaken out of complacency. In not providing Sanctuary, we risk:

- No other local congregation may come forward to provide Sanctuary.
- Increasing numbers of families in our community will be separate from loved ones, including those who are positively contributing in the community.
- Standing by without taking action and, therefore, being complicit in the injustice rather than working toward a solution.
- Not living out our own faith as God calls us to do in the world and our community.