

# Report for FUUC Board of Trustees

## Providing Sanctuary and Accompaniment

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July 2017

### Introduction:

The following information is designed to provide thorough and accurate information surrounding the possibility of providing sanctuary at Foothills Unitarian Church. This report intends to respond to the questions that were raised by the Board of Trustees in connection with sanctuary.

The Foothills Sanctuary Team engaged in significant research to gather information, speaking with churches that have experience providing sanctuary, touring the First Unitarian Society of Denver (“First Unitarian”), hearing from an individual who herself has been through sanctuary and attending a national webinar about the legal implications and risks associated with providing sanctuary. We are also in fruitful conversations with local faith communities to build an interfaith coalition in support of the sanctuary movement.

### Sanctuary is Missional: It Unleashes Courageous Love

Our mission at Foothills Unitarian Church is to unleash courageous love in Northern Colorado and Beyond. The work of sanctuary is deeply in alignment with our mission and with our UU values. We discuss what it means to live out our courage and it means doing what we know in our hearts is right, even when there is the element of risk involved. Another important concept in our mission is the idea that we’re not simply going to live a courageous life in community, we are going to *unleash* courageous love. Unleashing courage in this instance means not waiting until others step into the unknown but being willing to be the first, to be a leader in doing what is right despite the risk. True courage means being willing to sacrifice some things in pursuit of true justice. Now is the time to step forward and demonstrate our collective ability to unleash courageous love.

While engaging in social justice is not new to our congregation, much of the social justice work that we do, while extremely valuable, is not the most courageous and powerful activity that we can be doing. It is the opinion of the Foothills Sanctuary Team that providing sanctuary is the single most courageous action that we can take during these uncertain times.

### Sanctuary Has Important Roots and a Long History

“Sanctuary is one of the most ancient traditions that we have as a people of faith. The ancient Hebrew people had allowed temples and even whole cities to declare themselves places of refuge for persons accused of a crime they may not have committed, a practice that allowed those wrongfully accused to escape swift and harsh retribution until the matter could be resolved. In the late Roman Empire fugitives could find refuge in the precincts of Christian churches. Later, during the medieval period churches in England were recognized sanctuaries, offering safe haven for a temporary period to accused wrong doers. In the United States the first practical provision of anything like sanctuary occurred in the years before the Civil War. The Underground Railroad came into being to help slaves flee the South and find safety in many congregations throughout the country. Sanctuary is about providing safe space to those

who are victims of unjust laws.” Sanctuary, Not Deportation: A Fruitful Witness to Building Welcoming Communities, pg 2-3.

Participating in the long history of sanctuary is both an honor and a responsibility. Our participation in this movement allows us to forge strong relationships with large groups of organizers who have been doing immigration justice work for years. This effort also communicates a loving intention towards immigrants who lack proper documentation who are likely feeling a palpable sense of insecurity and fear. Let us be a beacon of hope and justice in these complex and dark times.

### **Sanctuary Prioritizes Safety – for Everyone**

We acknowledge that there are some inherent safety risks associated with providing sanctuary, but we plan on mitigating these risks to the best of our ability without diluting the power of practicing providing sanctuary. To this end, each person requesting sanctuary would undergo an extensive review that includes a criminal background check. We would determine the extent of criminal history that we are comfortable working with and it is recommended that we not offer sanctuary to any person who has a non-immigration felony (especially violent felonies) on their record. The efforts to screen sanctuary applicants would allow us to assess the level of safety concerns and would help us choose individuals who we believe will partner with us and work towards shared goals. The screening measures would also assess the individuals willingness to partner with our team, and would make a educated prediction of their ability to win a legal battle surrounding their immigration status. The goal would be to only offer sanctuary to individual whom we believe have a good chance of winning a stay of deportation. The goal is not to provide sanctuary indefinitely.

We have not heard about any specific safety concerns that arose in conjunction with providing sanctuary. We learned that screening is incredibly important and once a congregation has selected someone to join in sanctuary, that the individual (sanctuary recipient) has to be in the main leadership position (“the driver”) of their situation as it relates to personal experience and decision making especially legal and political implications and consequences.

Further, part of the power of this work is to willingly forsake the privilege of our relative safety to help someone who is not as “safe” in the world to become more so.

### **Sanctuary is Sustainable and Aligned – It will not detract from other commitments**

We recognize that providing sanctuary is a significant endeavor; one that can affect the day to day operations of the church and can require large amounts of volunteer time. However, we also heard that by engaging in the meaningful and personal work of sanctuary, the First Unitarian congregation was greatly invigorated and saw a rise in volunteer support and outside financial contributions.

First Unitarian compiled a group of 30-35 volunteers with a core group of approximately 12 volunteers who volunteered to provide accompaniment at least one night per week so that the sanctuary recipient is never alone. We believe this is a good model to follow.

Currently the congregation has three larger-scale service-oriented efforts where we can track volunteers (Faith Family, the Mobile Foodbank and the Auction) which engage approximately 270 volunteers from our community including children. In the overall congregation, we enjoy participation from over 1,000 friends and members. For the sanctuary effort we anticipate that we need no more than 35 volunteers with a core group (strong engagement) from 12-15 individuals. We feel that this easily achievable.

Furthermore, in a community that seeks to engage its members (within and beyond), having various ways to engage in volunteers in social justice activities serves to provide additional opportunities and results in greater levels of engagement and satisfaction.

The activities and additional resources created through the sanctuary endeavor will undoubtedly benefit other FUUC programs. For example, gaining a shower option would benefit the FFH program. Building renovations will also benefit the community overall and can open up new ways of better serving our community.

### **Sanctuary is Feasible – the Logistics of Providing Space/Volunteers**

Our building has a couple of options for providing sanctuary. In the short term, we believe it would work to convert the storage closet in the RE building in between the restrooms on the top floor into a sleeping space with a few amenities to make the space more comfortable. This would require little investment (time or financial). This suggestion would work best if the adjacent room could be used for day-time living as it is much larger and has a sink. On Sunday mornings, the sanctuary recipient would vacate the room, to allow for RE programming. For showering, we can create (or purchase) a low-cost shower out of vinyl and PVC pipe that would hook up to the sink.

A longer-term option is to renovate the basement to create living quarters, including a bathroom with a shower. This option is more costly, but it would result in comfortable living quarters. Due to the current political climate and need for providing sanctuary, we are prepared to begin with the simple, short-term option and then proceed if deemed necessary.

During times when sanctuary is being provided, the doors to the church would be kept locked and there would be staff/volunteers present 24 hours per day. The policies surrounding sanctuary should be clearly defined and easy to access. If ICE were to knock at the door, our team of volunteers would request identification and ask if ICE has a search warrant. If ICE presents the proper documentation, we would then request time to run the warrant past our legal team. If the warrant is not legitimate, we would explain that we are not required to allow them entrance and we would ask them to leave. Assuming the warrant was legitimate, we would then allow ICE to enter and presumably arrest our sanctuary recipient.

Furthermore, First Unitarian had two volunteers accompanying the individual in sanctuary. This additional support provides an added layer of comfort for the sanctuary recipient, adds to the sense of community and helps to provide spiritual/emotional support. Our community (including and beyond FUUC) would be invited to participate in connection with our sanctuary recipient in personal ways. This might include bringing homemade meals, sharing coffee/tea, learning Spanish/teaching English, helping with homework, watching movies, etc. Our understanding is that living in sanctuary can feel like an

imprisonment and this can be diminished/prevented through a strong sense of genuine community. Our community gets to benefit from being in true community with someone who likely has a very different perspective, culture and experience.

### **A Note on Zoning:**

We have heard that in other communities, zoning regulations were problematic. In Fort Collins there is no limit to having an unpaying visitor, not in homes, not in churches. There is no ordinance that addresses this, save for leases with renters, thus we do not anticipate problems in this category.

## **Sanctuary is Legal – the Legal Implications of Sanctuary**

There are 3 layers of legal implications to consider:

1. The legal implications for the church as a whole;
2. The legal implications for the individuals from the congregation in a leadership position or directly associated with providing sanctuary; and
3. The legal implications for the sanctuary recipient.

Harboring/aiding/abetting a fugitive is a felony. Yet, done in the way that modern churches provide sanctuary the risk to the congregation is believed to be quite low. Since sanctuary is most commonly provided in conjunction with a public declaration of who the person in sanctuary is and why they are being provided sanctuary, there is no intent to conceal. This is important because the legal definition of harboring includes establishing the intent to conceal. Notably, not a single congregation has been prosecuted for providing sanctuary in the past 40 years.

Further, declaring sanctuary should not have any impact on our nonprofit status. Our nonprofit status prohibits us from engaging in political campaign activity, but we are free to advocate for political issues and publicly criticize policies and elected officials. Providing sanctuary is an act of social justice, not a campaign or electioneering act.

When implemented in the same way that First Unitarian is providing sanctuary, the actions of the church are not breaking any laws because:

- “Providing sanctuary is not civil disobedience, but is providing safety and shelter to a person in need
- As stated above, concealment would be necessary in order to be charged with harboring an undocumented person. Because we would notify the authorities that an undocumented person is being provided sanctuary, we would not be concealing.
- The crime of transportation could only be charged if we transported an undocumented person for gain, which we also would not be doing.”

“The Southside church in Arizona is part of a coalition of churches that has offered sanctuary at different times to 5 people. According to their minister, four of those people had their immigration status changed as soon as they announced that they were going into sanctuary. And, at no time did ICE or

homeland security enter the church or threaten charges against the church.” From a document created by First Unitarian, dated May 29, 2014.

The legal implications for the individuals from the congregation in a leadership position or directly associated with providing sanctuary is also believed to be minimal. While there are no guarantees that folks would not be prosecuted, there are no recent examples of individuals being prosecuted in connection with providing sanctuary. You can imagine the discomfort a local attorney would experience in prosecuting a small group of individuals from a local church, in a highly publicized case.

When considering the potential risk to the congregation, leadership or parishioners, it is important to put it in the context of the amount of risk faced by the individual in sanctuary. This person is certainly facing deportation, criminal charges that would make reentry almost impossible, and many times the likelihood of separation from their loved ones.

The legal implications for the sanctuary recipient are arguably the most important of the legal layers to understand and prepare for. For the sanctuary recipient, the simple act of claiming sanctuary is by definition an action in defiance of ICE. Generally, the point at which someone chooses to go into sanctuary is once their visas or stays of deportation are expired and they are being contacted by ICE in such a way that leads them to believe that they will likely be deported at next contact.

When screening, we will be searching for individuals who we believe (and our legal team believes) has strong legal grounds to pursue a stay of deportation.

### **Sanctuary is Financially Feasible**

The estimated cost of providing sanctuary for one year is between \$8,000 - \$10,000. This would cover legal assistance for the sanctuary recipient, remodeling the small storage closet and basic amenities, food (much of which could be donated), potential medical expense (unlikely to be used), training sessions for support people and media campaigns.

Our insurance provider has agreed that we can add a rider that would cover the sanctuary activities. First Unitarian was able to do this for \$100 per year.

We believe that the expenses associated with providing sanctuary would have little effect on the overall Foothills budget. In fact, First Unitarian experienced a substantial increase in financial contributions directed towards the church as well as the sanctuary recipients.

We are pleased to announce that we already have an anonymous donor who has offered a \$10,000 matching grant to start a fund to provide direct, tangible support to sanctuary recipients. This matching fund can be leveraged to bring other faith communities and interfaith groups closer to the cause and in closer partnership with Foothills. The Foothills Sanctuary Team has also begun strategizing about other ways to generate income to cover our internal costs such that we would not need to utilize general church funds to pay for sanctuary activities.

## **Sanctuary is a Part of Our Public Story – Engaging the Media**

It is well known that the media is a powerful tool in highlighting the injustice that is taking place with the current immigration system and it can serve to add pressure to ICE while building support and resources for our cause. We intend to work strategically with members from the media to accomplish our goals related to providing sanctuary.

## **Sanctuary Happens in Partnership - Support from Outside Resources/Entities**

There are a plethora of social justice organizations whose mission it is to support immigrants facing deportation and the organizations and churches that are involved in the movement. We have every intention of tapping into these resources to the best of our ability so that we are not doing this important work along.

Additionally, we are in relationship with an Interfaith group (Interfaith Sanctuary Coalition) who have expressed a willingness to share responsibility for providing sanctuary in various ways. This group is currently developing a coalition of interfaith leaders to create a structure by which a variety of resources are available to faith communities who engage in sanctuary work.

## **Our Faith and our Mission Call us to be a Sanctuary in Northern Colorado**

Currently Foothills is the only faith community in Northern Colorado that is considering stepping forward to provide sanctuary. There are a number of other faith communities that express the willingness to support a community such as ours that provides sanctuary, but if we choose not to move forward, where does that leave all of our neighbors who will face deportation in the near future. Just recently a father was deported from Greeley. While it's unclear, it is possible that had we been a little further along in our process, we may have been able to provide this man with a chance to stay with his family and avoid deportation.

The Foothills Sanctuary Team strongly believes that we should move forward in bringing the issue of providing sanctuary to the congregation for a vote at the next Congregational Meeting. We believe that the benefits of designating ourselves as a sanctuary church outweigh the potential risks. Embedded in our faith are principles and values that remind us to honor the inherent worth and dignity of every person, and to pursue a world where all can enjoy peace, liberty and justice. These values occasionally ask us to be willing to make sacrifices in pursuit of these ideals. This is one of those times.