

Court Restores Protections for Houses of Worship — What This Means for Our Congregations and Ministries

In a time when many immigrant neighbors — and many of our own members — are carrying heightened anxiety, we have received important news. A federal court has issued a **preliminary injunction** restoring protections for “sensitive locations,” including houses of worship. For our synod, this is not abstract policy. It directly affects our congregations, our buildings, our ministries, and the people who gather within them.

Earlier last year, the federal government rescinded long-standing guidance that limited immigration enforcement actions in sensitive locations such as churches, schools, and hospitals. In response, several plaintiffs — including our synod and several other synods of the Evangelical Lutheran Church in America — joined a [lawsuit](#) challenging that rescission as a violation of religious freedom and constitutional protections.

The court has now issued a [preliminary injunction](#). This order restores protections **for the named plaintiffs in the lawsuit**, including our synod and our congregations. While the case continues, these restored protections are legally binding as to us.

What the Injunction Does

Under the court’s order, the Department of Homeland Security (DHS), including Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP), is generally prohibited from conducting routine immigration enforcement in our houses of worship.

This means agents may not:

- Conduct arrests inside our church buildings.
- Conduct interviews or interrogations for immigration enforcement purposes.
- Set up checkpoints or barriers to target individuals entering or leaving our congregations.

These protections apply within our church buildings **and** generally extend to the immediate surrounding protected space, including adjacent buildings like schools, fellowship halls, lawn space and parking lots.

Read my full statement to understand why this matters and what your congregation should do in response.

When Enforcement May Still Occur

The injunction does allow limited exceptions.

Immigration enforcement may occur in a protected area if:

- There is an **immediate threat to human life or safety**. (Importantly, the mere presence of undocumented individuals does *not* qualify as such a threat.)
- Agents present a warrant.

There are two kinds of warrants, and the distinction matters:

- **Administrative warrant** (issued by DHS/ICE, not signed by a judge): This does *not* authorize entry into private areas without consent. Congregations may refuse entry. If agents force entry, you should clearly state that you do not consent, but you should not physically interfere.
- **Judicial warrant** (signed by a judge): This may authorize entry to search for a specific individual or items listed at the address specified.

Additionally, enforcement activity within 100 feet of an entrance may occur under limited circumstances if one of the above conditions is met or if authorized at a high level within DHS headquarters.

Why This Matters for Us

As Lutherans, we promise in Baptism to “strive for justice and peace in all the earth.” That promise is not abstract. It shapes how we order our common life and how we care for those who are vulnerable among us. Many of our congregations include immigrants, mixed-status families, and neighbors who live with daily uncertainty.

This lawsuit is not about partisanship. It is about the freedom of the church to gather for worship without fear, and about our constitutional right to practice our faith according to our conscience. It is also about our deeply held value of caring for the vulnerable and ensuring that our sanctuaries remain places of prayer, proclamation, and refuge.

Preparation is one concrete way we live out our baptismal call — responding not with panic, but with clarity, courage, and compassion.

What Congregations and Related Ministries Should Do Now

This injunction is reassuring and clarifying — but it is not a reason for complacency. Congregations are encouraged to:

- Review the accompanying response checklist.
- Train office staff, ushers, and key leaders.
- Decide in advance who will speak with agents.
- Keep this guidance accessible in church offices.

Congregations **may** post signage indicating that their building is protected under the court's order. This is optional and entirely at your discretion. Posting signage is not required in order to receive the protections of the injunction.

This preliminary injunction does not resolve the case entirely, but it provides meaningful protection for our congregations while the legal process continues.

Please read carefully. Share this with your leadership teams. Prepare thoughtfully. And continue to pray — for wisdom, for courage, and for all who seek safety and hope within our walls. If you have any questions, please feel free to reach out to Bishop Briner at sbriner@swtsynod.org or 830-379-9900.

If Immigration Agents Come to Your Church - Quick Response Checklist

1. Stay Calm

- Be polite and do not escalate.
- Do not physically interfere with agents.

2. Clarify the Situation

- Say: *“This is a protected area subject to a federal court order. Routine immigration enforcement is prohibited here.”*
- Ask: “Do you have a warrant?”

3. Check the Warrant

- **Administrative warrant (not signed by a judge):**
 - Does *not* authorize entry into private areas without consent.
 - You may say: *“I do not consent to your entry.”*
- **Judicial warrant (signed by a judge):**
 - Must list a specific address and/or named individual.
 - Allows agents to enter as specified.

4. Do Not Consent to Entry Without a Judicial Warrant

- If agents enter anyway, clearly state:
“I do not consent to this entry.”
- Do not attempt to block or resist physically.

5. Document Everything (If Safe)

- Take photos or video.
- Write down:
 - Names and badge numbers (if visible)
 - What was said
 - What documents were shown
 - Time and location

6. Notify Immediately

- Contact the attorneys in this case: sensitivelocations@washlaw.org
- Inform the synod office: info@swtsynod.org or 830-379-9900.

7. Prepare in Advance

- Train ushers and office staff.
- Decide in advance who speaks to agents.
- Keep this checklist accessible.

Immigration Enforcement Restricted by Court Order

These Premises are a Protected
Area Pursuant to Federal
Court Order in New England
Synod v. Department of
Homeland Security, Case No.
4:25-cv-40102-FDS