

**Sanctuary Movement Proposal for
Temple Sinai, Washington, DC
For Board Meeting, February 15, 2017**

Prepared by Rabbi Jonathan Roos for the informal Sanctuary Movement Task Force

Background: The Sanctuary Movement is a religious and political campaign in the United States that began in the early 1980s to provide safe-haven for Central American refugees fleeing civil conflict. Today, it is a growing movement of faith and immigrant communities committed to protect and stand with immigrants facing deportation. Members pledge to protect immigrant families and other vulnerable groups who face workplace discrimination, bigotry or deportation.

At the Sanctuary Movement's peak in the mid-1980s, over 150 congregations publicly sponsored and supported undocumented Salvadoran or Guatemalan refugee families. Another 1,000 local Christian and Jewish congregations, several major Protestant denominations, the Conservative and Reform Jewish Movements, and several Catholic orders all endorsed the concept and practice of sanctuary. Sanctuary workers coordinated with activists in Mexico to smuggle Salvadorans and Guatemalans over the border and across the country. Assistance provided to refugees included bail and legal representation, as well as food, medical care, and employment.

The Jewish basis for joining the Sanctuary Movement includes the biblical commandment to establish cities of refuge and to honor the Temple as a place of sanctuary from which people could not be seized by authorities in pursuit; the frequently repeated commandment to welcome the stranger and not to oppress the stranger, widow or orphan. Leviticus 19 explicitly says, "'When a stranger sojourns with you in your land, you shall do him no wrong. The stranger who sojourns with you shall be to you as the native among you, and you shall love him as yourself for you were strangers in the land of Egypt,"; our people's experience as refugees from pogroms in Eastern Europe in the late nineteenth and early twentieth centuries; and from the Holocaust; and the fact that the United States and other countries refused safe haven to Jews in both periods as a matter of official policy and practice. In 1986, Temple Sinai joined the Sanctuary Movement with a Board Resolution passed in response to the URJ's national resolution on the movement. You can read that URJ resolution here:

<http://www.urj.org/what-we-believe/resolutions/refugees-and-sanctuary>

The impetus to join the Sanctuary Movement today is urgent. The case of Arizona's Guadalupe García de Rayos, covered in the Washington Post (https://www.washingtonpost.com/news/morning-mix/wp/2017/02/09/for-decades-immigration-authorities-gave-this-mother-a-pass-wednesday-when-she-checked-in-with-them-they-seized-her/?utm_term=.aa93dbf518c3) is instructive. Immigrants who have lived and worked in the United States for decades, including many here in our immediate area, face deportation in a way that never existed for them before. Many who have lived here without documentation remained and worked peacefully and

successfully and have become our neighbors and members of our communities with the full knowledge of immigration officials who viewed them as low priority for enforcement under prosecutorial discretion. Today, these people face the possibility of being suddenly separated from their families, detained without legal counsel and sent to countries where they have no ties, no residence and no opportunity to prepare for resettlement. Our concern extends to those who have legal documentation as well. We understand that there is the possibility that a foreign national working legally at could have their immigration status taken away. For example, some individuals from Central America have "Temporary Protected Status" (TPS) that only provides a work permit and protection from deportation for up to 18 months at a time. It is expected that the Trump administration would likely end these kinds of designations, and those who had TPS would lose their employment authorization and become vulnerable to deportation. I only flag this because we cannot assume that just because a TS employee currently has some form of immigration status that they will necessarily continue to have it into the future - and the number of employees (or their family members) who could be subject to deportation could change at any time.

An informal Sanctuary Movement Task Force consisting of Rabbi Jonathan Roos, and others in our congregation has examined the background of the Sanctuary Movement, related legal issues, and attended Sanctuary Movement information and training sessions hosted by PICO National Network and its partners.

You can read more information at the RAC's website: <http://www.rac.org/providing-sanctuary-immigrants-facing-deportation>

Or <http://www.sanctuarynotdeportation.org/>

This article tells of a church in Philadelphia currently hosting a man needing Sanctuary:

https://www.nytimes.com/2016/12/27/us/houses-of-worship-poised-to-serve-as-trump-era-immigrant-sanctuaries.html?_r=0

Actions: What kinds of actions can a congregation take as part of the Sanctuary Movement?

1. Create a rapid response team and program.
2. Hold "Know Your Rights" and Active By-stander trainings.
3. Take on a case to release someone from detention.
4. Support another congregation that is hosting a family.
5. Host a family or individual facing deportation.

The only precondition for being part of this movement is to be as public as possible about our position.

Proposal:

Temple Sinai will become a Sanctuary Congregation and accordingly:

A. Temple Sinai will publicly declare itself as a Sanctuary Congregation and part of the Sanctuary Movement by signing relevant petitions and public statements and publicizing as much in any and all possible places including but not limited to the Temple's website, weekly email, Facebook page and other social media accounts connected to Temple Sinai, newspaper and other media stories or any other external news and public sources.

B. Temple Sinai and its members may engage in any of the following activities as a Sanctuary Congregation working as necessary with the URJ and its affiliates, The Washington Interfaith Network (WIN), PICO National Network, Sanctuary DMV and their partner organizations to respond to deportation raids and other situations protected by the Sanctuary Movement:

1. Create a rapid response team
2. Hold "Know Your Rights" and Active By-stander trainings.
3. Host, support and/or attend trainings to take on a case or cases to release someone from detention.
4. Support another congregation that is hosting a family.
5. Host a family or individual facing deportation to live on the Temple's property until their case or status is resolved or the threat of deportation ends under the following conditions:
 - a. Unless otherwise authorized by the Board, The Temple will host only individuals or families who are current members of the Temple, Temple employees and/or their family members, or others who have a relationship with the Temple (i.e. volunteers, Sinai House residents, Project Mensch or Gendler Grapevine support recipients, etc.).
 - b. The Temple only seeks to host individuals or families in the spirit of Sanctuary. It is not the Temple's intention to host or provide sanctuary to anyone whose situation involves illegal activity other than related to immigration and/or residence or work status. The clergy and officers together will determine the appropriateness of any person or family for sanctuary hosting in our building and inform the board within 7 days of a party taking up sanctuary residence on our property.
 - c. The board has the right to review whether sanctuary hosting is meeting these requirements and, after meeting with the individual or family and reviewing reports from clergy, officers and supporting organizations, to revoke Sanctuary with at least 24 hours notice to the individual or family. In case of emergency, criminal activity or any other circumstances that warrant immediate expulsion from the Temple property, the majority decision of the Senior Rabbi, Executive Director and Temple President or next available ranking officer together shall make such determination.

C. While the clergy and Temple staff will bear much of the daily duties of being a Sanctuary Congregation, the Social Action Committee or its designate (such as a

Sanctuary Task Force) shall be responsible for the implementation and administration, including financial obligations, of any programs or services related to being a Sanctuary Congregation. Financial obligations as well as donations specifically related to Sanctuary Movement will be handled through the Rabbi Eugene Lipman Social Action and Tzedakah Fund.

This proposal is effective immediately upon positive vote of the Board and remains in place until such time as revoked or changed by the Board.

Legal and other practical issues

It has been suggested that we conduct a review of our HR records to ensure that we are up to date and in full compliance regarding all employees' paperwork especially I-9 forms and background checks required by internal policies or DC or other legal entities

(Note some of this is DC specific)

1. There should be no risk to the Temple's 501(c)(3) status -- tax exempt status can be revoked only for reasons related to that status, not for other violations of the law.
2. There should be no impact on TSNS nursery school's license. I reviewed DC's licensing regulations and the relevant grounds for revocation relate to using child care workers who are guilty of certain enumerated offenses (crimes against children, crimes of violence), not to their documented status or other violations of law.
3. There would be real risks of an I-9 audit. The Temple should make sure all of its I-9s and criminal background checks are current.
4. There is no risk from declaring the Temple a sanctuary site. If the Temple receives any federal grants, it might become ineligible, but even that's not yet a certainty.
5. However, if the Temple does actually harbor "illegal aliens," you or the Temple's Board face a risk of prosecution for the federal felony of harboring illegal aliens, 8 USC 1324, (or obstruction of justice for impeding enforcement of a deportation order or the conduct of deportation proceeding, though the penalties for obstruction are less severe). The statute makes it a crime to "conceal[], harbor[], or shield[] from detection, or attempt[] to conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation. Violators are subject to fine and/or prison terms of not more than 5 years.
6. The risk to the Board is highly remote – We not seen discussion of any case where prosecutors have gone after the board of a church, for example, though they have gone after the head minister. Even these prosecutions are infrequent, but have happened. The punishment is typically probation. That said, if the Temple reached that point, there are a few steps it could take to minimize the risks:
 - a. Believe it or not, the law does not criminalize sheltering an alien "to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee . ." Thus, if the relevant employees were to join the Temple and volunteer in a religious capacity, it would not be a crime to shelter them. I leave it to you whether that's worth pursuing. Interesting public policy.
 - b. In addition, there is case law -- albeit mixed -- that it is not a violation of the law to shelter someone openly. Some courts have held that you're not really

concealing or harboring an illegal alien if you're not secretive about their presence. I don't believe that there's dispositive law in DC on this point, but, if the Temple goes down this road, you would mitigate the risks of prosecution by not trying to hide the fact that the Temple is taking in deportable aliens.

7. There is a civil forfeiture provision in the harboring statute but it reaches only "conveyances" -- meaning the method of transportation used to smuggle the alien -- and neither this statute nor the general civil forfeiture statute would subject the Temple's property to seizure.

INSURANCE

We have discussed possible insurance issues with our carrier and has assurance that we do not face problems with our coverage for becoming a Sanctuary Congregation.

WHERE?

We have identified possible locations for a family or individual to use in our building: downstairs in the nursery school wing we have a room with a kitchen and full bathroom. Though currently used by the TSNS, the existing TSNS programs could be moved to other areas of the building.

Sanctuary Pledge from sanctuarynotdeportation.org

To: President-Elect Trump and His Administration

We Pledge To Resist Deportation And Discrimination Through Sanctuary



Campaign created by
Rev. Alison Harrington



Sanctuary Movement



As people of faith and people of conscience, we pledge to resist the newly elected administration's policy proposals to target and deport millions of undocumented immigrants and discriminate against marginalized communities. We will open up our congregations and communities as sanctuary spaces for those targeted by hate, and work alongside our friends, families, and neighbors to ensure the dignity and human rights of all people.

Why is this important?

Calling upon the ancient traditions of our faiths, which recognized houses of worship as a refuge for the runaway slave, the conscientious objector, and the Central American refugee fleeing the civil wars of the 1980s, Sanctuary is once again growing among communities of faith that are standing in solidarity with immigrants and marginalized communities facing immoral and unjust deportation and discrimination policies.

We find ourselves entering a new phase of U.S. history wherein the politics of fear has stoked an atmosphere of racism and xenophobia across the country. The new Administration has pledged to criminalize, detain and deport undocumented people at new levels that will tear families and communities apart.

As people of faith and people of conscience, we will take civil initiative out of our moral obligation to embody principles of human rights and dignity, and resist any harmful and unjust policy proposals that further undermine due process and lead to racial profiling and discrimination.

By signing this pledge, we are dedicating ourselves to educate and activate our congregations, to amplify and respond to the voices of immigrant leaders, and to speak out against the discrimination of any and all marginalized people. We are ready to open the doors of our sacred spaces and accompany those facing deportation and discrimination.

We support those answering the call to provide sanctuary at schools, hospitals, college campuses, community centers and family homes. We will work with partner organizations to create sacred space of sanctuary wherever it is needed.

5,176 of 6,000 signatures

Sign the petition

First Name *

Last Name *

Email *

Phone Number

Zip Code *

- I'm a faith leader
- Yes, my church/community center wants to join the Sanctuary Movement. Please send me more information.

Denomination/Organization

SIGN

You'll receive periodic updates about this campaign and others like it from Groundswell.

LAST SIGNED BY:

Jim B. 7 minutes ago

Josephine E. 22 minutes ago

Kate O. about an hour ago

Mary L. about 2 hours ago

Joyce S. about 2 hours ago