



## **USCCB Committee on Migration**

**C/O MIGRATION AND REFUGEE SERVICES**

3211 FOURTH STREET NE • WASHINGTON DC 20017-1194 • 202-541-3227 • FAX 202-541-8755

WEBSITE: [www.usccb.org/mrs](http://www.usccb.org/mrs)

# **MEMORANDUM**

**TO:** All Bishops  
**FROM:** Bishop Gerald R. Barnes, Chairman, USCCB Committee on Migration  
**RE:** New Sanctuary Movement  
**DATE:** September 27, 2007

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I write to inform you of a movement entitled the “New Sanctuary Movement,” which has been formed to provide protection and support to migrant individuals and families facing deportation. The New Sanctuary Movement is, according to its website ([www.newsanctuarymovement.org](http://www.newsanctuarymovement.org)), a coalition of interfaith religious leaders and congregations that provide support to families facing deportation, including material support such as transportation and housing.

The United States Conference of Catholic Bishops (USCCB) has received several inquiries from dioceses and press regarding this movement and the issue of “sanctuary,” which, under the new sanctuary movement, is the act of providing protection during the removal process for migrants without legal status who may or may not obtain relief from removal. As immigration enforcement increases across the country, questions of whether the church supports sanctuary for undocumented migrants will continue. USCCB does not take a formal position on the issue, which is left up to individual bishops as heads of their respective dioceses. However, permitting parishes to provide sanctuary in violation of federal immigration law could invite prosecution and penalties upon conviction for priests and possibly bishops who aid and abet, or participate in such practices.

Federal immigration law prohibits the transportation or harboring of persons who are not authorized to enter or reside in the country. The basic statutory provisions are contained in section 274 of the Immigration and Nationality Act (INA). The penalties of harboring or transporting an undocumented person can include monetary fines, jail time, and forfeiture of property. Many churches participated in the sanctuary movement of the 1980s, which was a response to the low level of asylum protection offered by the United States government to refugees fleeing unrest and armed conflict in Central America. The federal government prosecuted members of the sanctuary movement of the 1980s, and most defenses, including the free exercise of religion under the First Amendment, generally failed to generate case dismissals, though some juries acquitted certain defendants.

While the New Sanctuary Movement claims it does not intend to violate federal immigration law, it remains unclear that the legal justification contained in its website offers a thorough legal analysis of risk liability. For clarification, the provision of social services by non-profit charitable organizations to undocumented migrants remains a low liability risk for prosecution under INA § 274 because under federal law non-profit charitable organizations are not obligated to check the legal status of persons they serve. The distinction is that in a harboring or transporting case the offending party providing housing or transportation “knowingly” or in “reckless disregard of the facts” furthers that person’s residence in the country in violation of the law.

For public and press purposes, the USCCB advocates that the immigration laws in the country are broken and must be repaired through the legislative process. For more information, you may contact Kevin Appleby at 202-541-3260 or Carlos Ortiz-Miranda at 202-541-3300. I hope this information is helpful.

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