



**Catholic Legal Immigration Network, Inc. (CLINIC) testimony before the
Maryland Senate Judicial Proceedings, SB 828
Immigration Enforcement – Sensitive Locations – Guidelines and Policies
(Protecting Sensitive Locations Act)
Submitted February 28, 2025
Position: Support**

“We ourselves need to see, and then to enable others to see, that migrants and refugees do not only represent a problem to be solved, but are brothers and sisters to be welcomed, respected and loved. They are an occasion that Providence gives us to help build a more just society, a more perfect democracy, a more united country, a more fraternal world and a more open and evangelical Christian community.” (*His Holiness Pope Francis, Messages for the 2014 and 2019 World Days of Migrants and Refugees*)

About CLINIC

As the nation’s largest charitable immigration legal services network, the Catholic Legal Immigration Network, Inc. (“CLINIC”) provides substantive legal and program management training and resources as well as advocacy support at state, local, and national levels. CLINIC serves over 400 affiliates organizations across 49 states and the District of Columbia, providing crucial legal services to hundreds of thousands of low-income and otherwise vulnerable immigrants every year. Embracing the Gospel value of welcoming the stranger, CLINIC cultivates projects that promote the dignity and protect the rights of vulnerable immigrant populations. CLINIC’s national office is in Silver Spring, Maryland. In serving our affiliate network and through our programming, CLINIC has particular expertise in the life-changing -- and at times life-saving -- role that access to representation makes in the life of an immigrant.

Position

CLINIC supports SB 828, the Protecting Sensitive Locations Act. Part of CLINIC’s mission is to advocate for fair and just immigration policies that acknowledge the inherent dignity and value of all people. The former Protected Areas Policy was rescinded on January 20, 2025, allowing immigration enforcement actions to be held in areas that should have remained protected for the good of everyone.

This bill will allow the Maryland Attorney General, in consultation with appropriate stakeholders, to develop guidelines around immigration enforcement in the locations that were formerly listed under the Protected Areas Policy. This is of particular importance because we do not wish to see

more of the chilling effects the rescinding of this policy has already had on immigrant communities accessing essential services.

Background on Protected Areas

- 1) 1993 Memorandum
 - a. The first variation of the Sensitive Location policy was enacted in 1993 by the Immigration and Naturalization Service. It was titled, “Enforcement Activities at Schools, Places of Worship, or at Funerals or other Religious Ceremonies.”
 - b. This version requested that immigration enforcement needed to consider the following when trying to undertake enforcement at these locations: (1) alternative measures, (2) the importance of the enforcement, (3) ways to minimize the impact on the school or place of worship, and (4) whether the action was requested or approved by managers of the institution involved.
 - c. There were various iterations of this policy but it became more well-known by its 2011 iteration: the Sensitive Locations Policy.
- 2) 2011 Sensitive Locations Policy
 - a. In 2011, the Department of Homeland Security (DHS) issued a [memorandum](#) to Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) around enforcement actions at or focused on “sensitive locations.”
 - b. Enforcement included arrests, interviews, searches, and surveillance related to immigration enforcement.
 - c. There were several locations that were identified as “sensitive”:
 - i. Schools (including pre-schools, primary schools, secondary schools, post-secondary schools up to and including colleges and universities, and other institutions of learning such as vocational or trade school;
 - ii. Hospitals;
 - iii. Churches, synagogues, mosques or other institutions of worship, such as buildings rented for the purpose of religious services;
 - iv. The site of a funeral, wedding, or other public religious ceremony; and
 - v. A site during the occurrence of a public demonstration, such as a march, rally or parade.
- 3) 2021 Protected Areas Policy
 - a. In 2021, DHS replaced the Sensitive Locations Policy with the Protected Areas Policy. The name change came about in order to show the importance of offering protection to places that provide “essential services or activities.”
 - b. DHS was aware of the chilling effect such enforcement would have on immigrant communities. Because of this, the new policy also acknowledged that protection should also be considered for places “near” the protected areas, as the chilling effect could be the same.
 - c. CLINIC worked closely with DHS and a coalition of other organizations to make this expansion happen. We had heard about too many violations occurring in certain areas that were not originally included in the Sensitive Locations Memorandum. Because of this, CLINIC wrote and sent a [transition paper](#) to the Biden Administration about the importance of including more areas.
 - d. The expanded Protected Areas Policy, in addition to what was covered under the Sensitive Locations Policy, included:

- i. A medical or mental healthcare facility, such as a hospital, doctor’s office, health clinic, vaccination or testing site, urgent care center, site that serves pregnant individuals, or community health center;
- ii. A place of religious study and places of worship were expanded to include “a temporary facility or location where such activities are taking place;”
- iii. A place where children gather, such as a playground, recreation center, childcare center, before- or after- school care center, foster care facility, group home for children, or school stop;
- iv. A social services establishment, such as a crisis center, domestic violence shelter, victims services center, child advocacy center, supervised visitation center, family justice center, community-based organization, facility that serves disabled persons, homeless shelter, drug or alcohol counseling and treatment facility, or food bank or pantry or other establishment distributing food or other essentials of life to people in need;
- v. A place where disaster or emergency response and relief is being provided, such as along evacuation routes, where shelter or emergency supplies, food, or water are being distributed, or registration for disaster-related assistance or family reunification is underway;
- vi. A grave side ceremony, a rosary.

4) Exceptions to the Sensitive Locations and Protected Areas Policies

- a. Both policies had exceptions under which immigration enforcement could still arrest someone. These included (but were not limited to):
 - i. A national security threat;
 - ii. An imminent risk of death, violence, or physical harm to a person;
 - iii. The hot pursuit of an individual who poses a public safety threat;
 - iv. The hot pursuit of a personally observed border-crosser;
 - v. Imminent risk that evidence material to a criminal case will be destroyed; and
 - vi. A safe, alternative location does not exist.

Rescinding of the Protected Areas Policy

1) The Rescinding of the Protected Areas Policy

- a. On January 21, 2025, DHS issued a [press release](#) stating that the former policy was rescinded and that “criminals will no longer be able to hide in America’s schools and churches to avoid arrest.” Given all the previous exceptions that were already in existence for immigration to conduct enforcement at the protected areas, it begs the question as to why this policy was actually rescinded.
- b. The ICE website [indicates](#) that the new directive recognizes that “officers frequently apply enforcement discretion to balance a variety of interests, including the degree to which any law enforcement action occurs in a sensitive location. Going forward, law enforcement officers should continue to use that discretion along with a healthy dose of common sense.”

- i. Having a “common sense” approach does not take into account biases that people have. It did not sufficiently protect immigrants previously, and it will not protect them now.

2) Quote Responding to the Rescinding of the Protected Areas Policy:

“Catholic health care, Catholic Charities agencies, and the Church’s other social service ministries work daily to feed, house, heal, educate, and meet people’s needs in communities across our nation. Through these ministries—together with the Church’s responsibility to proclaim the Gospel and celebrate the sacraments—we uphold the belief that all people are conceived with inherent dignity, reflecting the image of God. Through our parishes, shelters, hospitals, schools, and other Church institutions, we recognize that this dignity is not dependent on a person’s citizenship or immigration status. Moreover, the charitable services we provide are fundamental to who we are as Christians. ‘For the Church, charity is not a kind of welfare activity which could equally well be left to others, but is a part of her nature, an indispensable expression of her very being’ (*Deus caritas est*, no. 25).

“We recognize the need for just immigration enforcement and affirm the government’s obligation to carry it out in a targeted, proportional, and humane way. However, non-emergency immigration enforcement in schools, places of worship, social service agencies, healthcare facilities, or other sensitive settings where people receive essential services would be contrary to the common good. With the mere rescission of the protected areas guidance, we are already witnessing reticence among immigrants to engage in daily life, including sending children to school and attending religious services. All people have a right to fulfill their duty to God without fear. Turning places of care, healing, and solace into places of fear and uncertainty for those in need, while endangering the trust between pastors, providers, educators and the people they serve, will not make our communities safer.

“Our organizations stand ready to work on a better path forward that protects the dignity of all those we serve, upholds the sacred duty of our providers, and ensures our borders and immigration system are governed with mercy and justice.”

Statement offered by Bishop Mark J. Seitz, Chairman, U.S. Conference of Catholic Bishops’ Committee on Migration, Sr. Mary Hadad, RSM, President and CEO, Catholic Health Association of the United States, and Kerry Alys Robinson, President and CEO, Catholic Charities USA

3) Lawsuits

a. Quaker Congregations

- i. On Jan. 27, 2025, various Quaker congregations filed a [complaint](#) against DHS because of the rescission of the Protected Areas policy. The complaint discusses how even seeing ICE officers parked outside a religious service

“deters congregants from attending services.” The suit argues that enforcement actions at or near religious services is a significant burden on the congregations’ rights of association and religious liberty.

1. As of February 24, 2025, a federal judge [ruled](#) that immigration agents are barred from conducting enforcement operations at the Quaker, Sikh, and Baptist congregations that are affiliated with the lawsuit.
- b. Jewish and Christian Faiths
 - i. On Feb. 11, 2025, a group of 12 national denominational bodies and representatives, 4 regional denominational bodies, and 11 denominational and interdenominational associations, all rooted in the Jewish and Christian faiths, filed their own [suit](#) against DHS because of the rescission of the Protected Areas policy. Their fundamental belief is that “Every human being, regardless of birthplace, is a child of God worthy of dignity, care, and love.”
- c. Denver Public Schools (DPS)
 - i. On Feb. 12, 2025, Denver Public Schools filed a complaint based on how it has been impacted by the rescission of the Protected Areas policy. It is seeking for the policy to be reinstated and for DHS to share its new policies with the public. In its complaint, DPS stated, “DPS is hindered in fulfilling its mission of providing education and life services to the students who are refraining from attending DPS schools for fear of immigration enforcement actions occurring on DPS school grounds.”

Problem

- 1) The Protected Areas Policy was rescinded and migrants are now afraid to access essential services
 - a. By the mere act of rescinding the Protected Areas Policy, the current administration has struck fear into the heart of migrant communities.
 - b. It does not even matter if enforcement actions are actually taking place in these locations because just the fear of such a thing happening is keeping people from attending their [worship services](#), going to [school](#), going to collect food at [food pantries](#), and so much more.

Solution

- 1) Have the Maryland Attorney General develop guidelines to limit immigration enforcement at the “Sensitive Locations.”

Action

CLINIC urges you to vote for SB 828:

- 1) **To ensure Maryland’s migrants feel welcomed within their communities and able to access these essential services.**
- 2) **To protect the places providing these essential services from wasting valuable time and resources having to respond to just the threat of immigration enforcement in their locations.**
- 3) **Because it reflects Catholic values of the equal dignity of all life.**

- a. Immigrants should be able to worship as they please, attend school, get medical help, seek assistance in times of crisis, and just avail themselves of a safety net that is already much more limited than others.

CLINIC appreciates your consideration and urges a favorable report for Senate Bill 828.