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11 UNITED STATES DISTRICT COURT
 12 EASTERN DISTRICT OF CALIFORNIA

14 THE UNITED STATES OF AMERICA,
 15 Plaintiff,

16 v.

17 THE STATE OF CALIFORNIA;
 18 EDMUND GERALD BROWN JR.,
 19 Governor of California, in his Official
 20 Capacity; and XAVIER BECERRA,
 21 Attorney General of California, in his
 22 Official Capacity,

23 Defendants.

Case No. 2:18-cv-00490-JAM-KJN

**BRIEF OF AMICI CURIAE FAITH-BASED
 ORGANIZATIONS IN SUPPORT OF
 DEFENDANTS' OPPOSITION TO
 PRELIMINARY INJUNCTION**

Judge: Hon. John A. Mendez

NO HEARING NOTICED

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CASES

Bastidas v. INS,
609 F.2d 101 (3d Cir. 1979).....13

Manning v. Powers,
281 F. Supp. 3d 953 (C.D. Cal. 2017)4

Richland Park Homeowners Ass’n v. Pierce,
671 F.2d 935 (5th Cir. 1982).....13

Sammartano v. First Judicial Dist. Ct.,
303 F.3d 959 (9th Cir. 2002).....3

Winter v. NRDC, Inc.,
555 U.S. 7 (2008).....3

STATUTES

8 U.S.C.A. § 13247

8 U.S.C.A. § 1324(B)(iv).....7

8 U.S.C.A. § 1324(C).....7

OTHER AUTHORITIES

Associated Press, *Alien Sanctuary Movement’s State Unclear a Year After Court Case*, N.Y. Times, July 7, 19877

Burke, Sheila, *Sessions: No Tears Over Tennessee Immigration Raid*, Seattle Times, May 8, 2018.....3

Castillo, Andrea, *Immigrant Arrested by ICE after Dropping Daughter Off at School, Sending Shockwaves Through Neighborhood*, L.A. Times, March 3, 20179

Catholic Church, *Catechism of the Catholic Church*, 2d ed., § 19025

Catholic Church, *Catechism of the Catholic Church*, 2d ed., § 22425

Connolly, Daniel, *Manual Duran’s Arrest Was Retaliation for News Coverage*, *Lawyers Say*, Commercial Appeal, April 16, 2018.....4

Cox, J. Charles, *The Sanctuaries and Sanctuary Seekers of Mediaeval England 1* (George Allen Sons, 1911).....6

Esquivel, Paloma, and James Queally, *A U.S. Citizen Says Her Rights Were Violated After She Was Detained by Immigration Authorities in San Bernardino*, Los Angeles Times, May 26, 201711

Ewing, Walter, *Immigration Impact, The Federal Government Is Using Immigration Raids as Retaliation Against California*, Immigration Impact, American Immigration Council (Feb. 8, 2018).....4

TABLE OF AUTHORITIES
(Continued)

		<u>Page</u>
3	Exec. Order No. 13768, 82 Fed. Reg. 8799 (Jan. 25, 2017)	3
4	Gandara, Patricia, and Jongyeon Ee, UCLA Civil Rights Project, <i>U.S. Immigration</i>	
5	<i>Enforcement Policy and Its Impact on Teaching and Learning in the Nation’s</i>	
	<i>Schools</i> (Feb. 28, 2018).....	11
6	Geltzer, Joshua, and Seth Wayne, <i>America Should Stop Deporting Peaceful</i>	
	<i>Immigrant Advocates</i> , The Hill, April 18, 2018	4
7	Gonzales, Richard, <i>Trump Administration Doubles Worksite Investigations To</i>	
8	<i>Combat Illegal Immigration</i> , NPR, May 14, 2018	4
9	Hagan, Jacqueline M., et al., <i>Social Effects of Mass Deportations by the United</i>	
10	<i>States Government, 2000–10</i> , 34 <i>Ethnic & Racial Studies</i> 1374, 1378 (Aug.	
	2011)	10
11	http://www.picocalifornia.org/100days/	8
12	Human Rights Watch, <i>Locked Up Far Away: The Transfer of Immigrants to</i>	
	<i>Remote Detention Centers in the United States</i> (Dec. 2009).....	14
13	Kausch, Katie, <i>Roby Sanger Had Just Finished Dropping His Children Off at</i>	
14	<i>School Thursday Morning When He Was Arrested by ICE</i> , Patch.com, Jan. 25,	
	2018.....	9
15	Klein, Gary, <i>Novato Man Arrested in Federal Immigration Bust</i> , Marin	
	<i>Independent Journal</i> , March 14, 2018.....	9
16	Pasquarella, Jennie, ACLU of Southern California, <i>California’s Senate Just</i>	
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	<i>From Attorneys and State Supreme Court</i> , L.A. Times, March 16, 2017	11
24	Queally, James, <i>Latinos Are Reporting Fewer Sexual Assaults Amid a Climate of</i>	
25	<i>Fear in Immigrant Communities, LAPD Says</i> , L.A. Times, March 21, 2017.....	11
26	Rabben, Linda, <i>Sanctuary and Asylum</i> 39 (2016)	6
27	Rabin, Nina, <i>Disappearing Parents: Immigration Enforcement and the Child</i>	
	<i>Welfare System</i> , 44 <i>Conn. L. Rev.</i> 99, 122-24 (2011)	13

TABLE OF AUTHORITIES
(Continued)

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14
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Rhodan, Maya, and Elizabeth Dias, *Immigration Agents Arrested Men Outside a Church. But Officials Say It Was Just a Coincidence*, Time, Feb. 17, 20179

Shoichet, Catherine E., *ICE Raided a Meatpacking Plant. More Than 500 Kids Missed School the Next Day*, CNN, April 12, 2018.....10

St. John, Paige, and Joel Rubin, *ICE Held an American Man in Custody for 1,273 Days. He’s Not the Only One Who Had to Prove His Citizenship*, L.A. Times, April 27, 201811

U.S. Immigration and Customs Enforcement, *FAQ on Sensitive Locations and Courthouse Arrests*8

Ulloa, Jazmine, *ICE Is Increasing Presence in California Because of ‘Sanctuary State’ Law, Says Trump Immigration Chief*, L.A. Times, Jan. 3, 20184

Wessler, Seth, Applied Research Center, *Shattered Families: The Perilous Intersection of Immigration Enforcement and the Child Welfare System 38* (Nov. 2011)13

1 **I. IDENTITY AND INTEREST OF *AMICI CURIAE***¹

2 Proposed *amici curiae* are the following U.S. faith-based organizations and persons whose
3 work includes advocating for or providing aid and resources to recent U.S. immigrants and their
4 families: PICO California;² Franciscan Action Network (“FAN”);³ National Council of Jewish
5 Women-California (“NCJW”);⁴ and Rabbi Jonathan D. Klein, Executive Director of Clergy and
6 Laity United for Economic Justice (“CLUE”)⁵ (collectively, “Amici”).⁶

7 In the United States, faith plays a significant role in the lives of most recent immigrants
8 and their families, and faith-based organizations historically have played a leading role in serving
9 their needs. Amici have an interest in and derive benefits, spiritual and otherwise, from helping
10 those less fortunate within our society, including those in immigrant communities. Amici count
11 many thousands of immigrants within their congregations, and minister to them and their
12 families. Christians, Jews, and Muslims alike are taught, among other things, the following:

13 “When a stranger resides with you in your land, you shall not do him wrong. The stranger who
14 resides with you shall be to you as the native among you, and you shall love him as yourself . . .”
15 (Leviticus 19:33-34); “You shall neither mistreat a stranger nor oppress him, for you were
16 strangers in the land of Egypt” (Exodus 22:21); “Do not neglect to show hospitality to strangers . .
17 . . .” (Hebrews 13:2); and “Show kindness to . . . orphans, and the needy, and to the neighbor that is
18 a stranger” (Qur’an 4:36).

19 ¹ This brief is filed with consent of all parties. No party’s counsel authored this brief in whole or in part, no party or
20 party’s counsel contributed money that was intended to fund preparation or submission of this brief, and no person
21 other than the *amici curiae* or their counsel contributed money that was intended to fund preparation or submission of
22 this brief.

23 ² PICO California is a statewide network of faith-based organizations working to create innovative solutions to
24 problems facing urban, suburban, and rural communities. PICO California comprises 19 nonprofit organizations
25 made up of 480 congregations, schools, and neighborhood institutions representing 450,000 families.

26 ³ Franciscan Action Network is a grassroots organization amplifying the justice efforts of Franciscans and
27 Franciscan-hearted people around the country. The Franciscan Action Network sees the interconnectedness of all
28 creation and the common origin of humanity as rooted in God’s loving design for the earth and all people.

29 ⁴ National Council of Jewish Women is a grassroots organization of 90,000 volunteers and advocates who turn
30 progressive ideals into action. NCJW works for “comprehensive, humane, and equitable immigration, refugee,
31 asylum, and naturalization laws, policies, and practices that facilitate and expedite legal status and a path to
32 citizenship for more individuals.”

33 ⁵ Rabbi Jonathan D. Klein is the Executive Director of Clergy and Laity United for Economic Justice. CLUE’s
34 mission is to join economically disadvantaged communities in their struggles for justice. CLUE collaborates with
35 over 600 religious leaders and 1,200 laypeople in the Los Angeles and Orange County areas.

36 ⁶ A complete list of over 90 individual clergymen and -women who join the Amici in support of this brief has been
37 attached as an addendum to this brief and filed concurrently.

1 As part of their faith-based work, Amici advocate for and provide resources and aid to
2 immigrant families. These faith communities are willing to take on significant legal and physical
3 risk to serve as sanctuaries for immigrants for their material and spiritual needs. Amici have
4 committed to this work because they have firsthand knowledge of the adverse impacts that
5 worker exploitation, family separation, detention, and deportation have on immigrant families in
6 the United States.

7 By this action, the Federal Government has challenged the state of California's
8 implementation of certain state statutes regulating voluntary access to and voluntary transfer of
9 information, documents, or detainees to federal immigration enforcement officers. The Federal
10 Government challenges the Immigration Worker Protection Act, the Dignity Not Detention Act,
11 and the California Values Act (collectively, the "Challenged Statutes"). The effect of the
12 Challenged Statutes is to ensure the state and individual Californians are not forced to be
13 complicit in federal immigration actions that the current administration has admitted are
14 calibrated to create an atmosphere of fear and intimidation. The Challenged Statutes address the
15 enormous humanitarian costs associated with mistreatment of undocumented individuals, lengthy
16 and unexplainable detentions, and traumatic deportations. At the same time, the Challenged
17 Statutes enable millions of individuals in differing congregations to live out their respective, and
18 shared, religious principles.

19 Enjoining the Challenged Statutes will harm Amici, members of their congregations, and
20 the public overall, by eliminating the state laws that allow California citizens to avoid voluntary
21 cooperation with aggressive and hostile immigration enforcement tactics that are anathema to
22 their religious principles. Faith-based organizations provide sanctuary and services to people of
23 faith and serve needy populations, as they are directed to do by scripture and religious law. The
24 Challenged Statutes enable citizens, including faith-based organizations, to provide sanctuary
25 services to immigrants without being conscripted to assist federal enforcement efforts, consistent
26 with the core tenets and divine mission of the Amici organizations. If Amici are viewed by
27 immigrants as working hand in hand with federal immigration officials, immigrants will be scared
28 off from availing themselves of food, shelter, and other sanctuary services.

1 Amici submit this brief to provide the Court with their distinct perspective on why the
2 injunction is contrary to the public interest. This brief will first note the troubling shift in the
3 Federal Government’s deportation tactics, and why Amici are compelled through their religious
4 beliefs to assist those negatively affected by these new policies. The history of sanctuary will be
5 discussed, as well as its growing necessity in response to the current administration’s ultra-
6 aggressive deportation campaign. Finally, Amici will explain why the Challenged Statutes are
7 necessary to protect against federal abuse, and will highlight the harm immigrant and religious
8 communities alike will suffer if the government’s injunction is granted. Amici present a clear
9 picture of the reasons that an injunction is contrary to the public interest.

10 **II. ARGUMENT**

11 The Supreme Court has directed that public interest is to be prominently considered in
12 actions such as this implicating government policy or regulation. *Winter v. NRDC, Inc.*, 555 U.S.
13 7, 24 (2008) (“In exercising their sound discretion, courts of equity should pay particular regard
14 for the public consequences in employing the extraordinary remedy of injunction.”). In analyzing
15 whether the public interest would be served by a preliminary injunction, a court primarily looks to
16 the impact of the judgment on third parties. *Sammartano v. First Judicial Dist. Ct.*, 303 F.3d 959,
17 974 (9th Cir. 2002), *abrogated on other grounds by Winter*, 555 U.S. 7. The Court should give
18 great weight to the effect of the requested injunction on immigrants and their faith communities.

19 **A. The Federal Government’s Current Immigration Enforcement Tactics Are**
20 **Indiscriminately Aggressive and Inconsistent With Basic Religious Tenets.**

21 Under the current administration, the Federal Government has effectively eliminated
22 actual immigrant prioritization, and instead signaled to its immigration agents that all
23 undocumented individuals in the United States should be considered a target.⁷ Under this new
24 enforcement system, all undocumented workers seeking to provide for their families are now
25 targeted for deportation.⁸ Administrative officials have been explicit about the fact that they will
26 use enforcement resources as a retaliatory tool against policies the Federal Government does not

27 ⁷ Exec. Order No. 13768, 82 Fed. Reg. 8799 (Jan. 25, 2017).

28 ⁸ Sheila Burke, *Sessions: No Tears Over Tennessee Immigration Raid*, Seattle Times, May 8, 2018, available at
<https://www.seattletimes.com/business/sessions-no-tears-over-tennessee-immigration-raid/>.

1 like or individuals whose speech it does not favor.⁹ Further, the Federal Government has
2 dramatically increased the number of worksite investigations in an attempt to fulfill the
3 president’s campaign promises of mass deportations.¹⁰

4 The new immigration enforcement policies are tearing apart immigrant communities,
5 leaving few remaining safeguards in place to protect those most vulnerable. Enforcement of the
6 Federal Government’s new immigration system will continue to result in abuses and violations of
7 individuals’ basic human rights. These tactics are directly in contrast to the Amici organizations’
8 religious tenets, in which the concept of sanctuary is key.

9 **B. Amici Have a Religious Imperative to Provide Sanctuary in the Face of**
10 **Unethical Government Action.**

11 Amici and other faith communities have a religious imperative to minister to the
12 downtrodden, including undocumented immigrants, against dehumanizing immigration
13 enforcement. Courts have recognized that there is a public interest in protecting the ability for
14 individuals and entities to conduct their lives according to their religious tenets and moral
15 convictions. *See, e.g., Manning v. Powers*, 281 F. Supp. 3d 953, 965 (C.D. Cal. 2017) (holding
16 there is a “significant public interest” in enforcing plaintiff’s First Amendment rights to engage in
17 religious activity). Religion is a dominant influence on the values and principles of the American
18 people. A recent major study showed that approximately 76% of adults in America identified
19 with a major religion,¹¹ and 77% of the adults surveyed expressed that religion is “very

20 _____
21 ⁹ Daniel Connolly, *Manual Duran’s Arrest Was Retaliation for News Coverage, Lawyers Say*, Commercial Appeal,
22 Apr. 16, 2018, available at <https://www.commercialappeal.com/story/news/2018/04/16/memphis-police-arrest-manuel-duran-retaliation-news-coverage-lawyers-say/519896002/>; Walter Ewing, *Immigration Impact, The Federal Government Is Using Immigration Raids as Retaliation Against California*, *Immigration Impact*, American
23 Immigration Council, Feb. 8, 2018, available at <http://immigrationimpact.com/2018/02/08/government-immigration-raids-california/>; Joshua Geltzer and Seth Wayne, *America Should Stop Deporting Peaceful Immigrant Advocates*,
24 The Hill, Apr. 18, 2018, available at <http://thehill.com/opinion/judiciary/383803-america-should-stop-deporting-peaceful-immigrant-advocates>; Jazmine Ulloa, *ICE Is Increasing Presence in California Because of ‘Sanctuary State’ Law, Says Trump Immigration Chief*, L.A. Times, Jan. 3, 2018, available at
25 <http://www.latimes.com/politics/essential/la-pol-ca-essential-politics-updates-ice-is-increasing-presence-in-california-1514999654-htmistory.html>.

26 ¹⁰ Richard Gonzales, *Trump Administration Doubles Worksite Investigations To Combat Illegal Immigration*, NPR,
27 May 14, 2018, available at https://www.npr.org/sections/thetwo-way/2018/05/14/611154085/trump-administration-doubles-worksite-investigations-to-combat-illegal-immigrati?utm_source=dlvr.it&utm_medium=twitter.

28 ¹¹ Pew Research Center, *Religious Landscape Study*, available at <http://www.pewforum.org/religious-landscape-study/>.

1 important” or “somewhat important” in their life.¹² In addition, 55% of adults surveyed pray at
2 least once a day, and approximately 33% look to religious teachings and beliefs most often for
3 guidance on questions of right and wrong.¹³

4 In giving moral and religious guidance, religious texts across major religions instruct that
5 individuals have an obligation to welcome the stranger and serve those in need.¹⁴ The Challenged
6 Statutes protect Amici’s ability to conduct themselves in a manner consistent with the basic tenets
7 of their religious faith. When these religious principles come in conflict with an unjust secular
8 law, religious followers are obligated to challenge the legitimacy of such law. As succinctly
9 explained in the Catholic Catechism:

10 “Authority does not derive its moral legitimacy from itself. It must
11 not behave in a despotic manner, but must act for the common good
12 as a moral force based on freedom and a sense of
responsibility[.]”¹⁵

13 “The citizen is obliged in conscience not to follow the directives of
14 civil authorities when they are contrary to the demands of the moral
order, to the fundamental rights of persons or the teachings of the
Gospel. . . . We must obey God rather than men.”¹⁶

15 The Challenged Statutes ensure that Amici and other faith communities are able to act in
16 accordance with their own moral religious principles.

17 1. **Sanctuary Cities Originated From Religious Principles.**

18 The notion of a sanctuary city is as old as the Bible itself. According to the Old
19 Testament, God commanded the Israelites to designate cities of refuge so that “anyone who kills a
20 person accidentally and unintentionally may flee there and find protection from the avenger of
21

22 ¹² Pew Research Center, *Importance of Religion in One’s Life*, available at <http://www.pewforum.org/religious-landscape-study/importance-of-religion-in-ones-life/>.

23 ¹³ Pew Research Center, *Frequency of Prayer*, available at <http://www.pewforum.org/religious-landscape-study/frequency-of-prayer/>.

24 ¹⁴ Christianity teaches the following: “When a stranger sojourns with you in your land, you shall not do him wrong . . .
25 . [he] shall be as native among you, and you shall love him as yourself.” Leviticus 19:33. Judaism preaches that its
26 followers should do the following: “Defend the weak and the fatherless; uphold the cause of the poor and the
oppressed.” Psalm 82:3-4. Islam instructs that the righteous are those “who feed the poor, the orphan and the captive
for the love of God, saying: We feed you for the sake of God Alone; we seek from you neither reward nor thanks.”
Qur’an 76:8-9.

27 ¹⁵ Catholic Church, *Catechism of the Catholic Church*, 2d ed., § 1902, available at
http://www.vatican.va/archive/ccc_css/archive/catechism/p3s1c2a2.htm.

28 ¹⁶ *Id.* at § 2242, available at http://www.vatican.va/archive/ccc_css/archive/catechism/p3s2c2a4.htm.

1 blood.” Joshua 20:2-4. “Any[one] who killed someone accidentally could flee to these
2 designated cities . . . prior to standing trial before the assembly.” Joshua 20:9.

3 These cities of refuge were places where those who committed crimes unknowingly or out
4 of desperation would have a chance to live their life in peace, at least until the individual could
5 stand trial. In contrast, the current administration’s immigration enforcement tactics do not
6 reflect the due process protections echoed throughout society’s oldest religious texts. The
7 Challenged Statutes protect the biblical notion of a city or state of sanctuary against a federal
8 government’s immigration deportation process that threatens the basic human needs of
9 immigrants and violates Amici’s religious tenets.

10 2. **Houses of Worship Have Provided Sanctuary for Centuries.**

11 Beyond sanctuary cities, for centuries houses of worship have themselves traditionally
12 served as places of sanctuary for the most vulnerable. The first Christian emperor, Constantine,
13 embraced the institution of sanctuary in the fourth century.¹⁷ Medieval European states wrote
14 sanctuary into their legal codes as early as the year 392 AD, specifying what areas of the church
15 constituted sanctuary.¹⁸ Muslim religious practices from the same era similarly recognized that
16 places of worship served as sanctuaries, and the tombs of saints and mosques offer shelter to
17 refugees even in the modern day.¹⁹ To some religious leaders, crime was the consequence of
18 man’s fall from grace, and the house of worship stood for mercy to sinners,²⁰ and sanctuary was
19 recognized as a “necessary remedy for [the] barbarous state of society.”²¹ The very tradition of
20 sanctuary was the expression of the love and mercy preached in religious texts, implemented in
21 opposition to violent and aggressive secular policies.

25 ¹⁷ Linda Rabben, *Sanctuary and Asylum* 39 (2016), available at
26 <https://canvas.uw.edu/courses/1114024/files/39866784/download?verifier=SKV2zd1RvUXNMUG6cuYk7v3DqhUa297YRIvCvZ8v&wrap=1>.

27 ¹⁸ *Id.*

28 ¹⁹ *Id.* at 43.

²⁰ *Id.* at 41.

²¹ J. Charles Cox, *The Sanctuaries and Sanctuary Seekers of Mediaeval England* 1 (George Allen Sons, 1911).

1 3. **Modern American Religious Communities Have Adopted Principles of**
2 **Sanctuary in Support of Immigrants.**

3 The tradition of sanctuary continues in America today. In the 1980s, churches and
4 synagogues provided sanctuary to tens of thousands of undocumented Central American
5 immigrants who sought refuge from political persecution and civil wars in Guatemala, El
6 Salvador, and Nicaragua, in what was known as the Sanctuary Movement. The Sanctuary
7 Movement led faith communities to declare their churches, synagogues, mosques, and other
8 houses of worship as public sanctuaries for immigrants and refugees. The immigrants were given
9 shelter, food and drink, medical care, and sometimes legal advice, and most important, they were
10 treated like human beings during times of need.

11 Amici and other groups that open up their houses of worship as sanctuaries are doing so at
12 great risk to themselves and to individuals within the faith community. Religious institutions and
13 religious leaders are not exempt from federal immigration law which prohibits harboring illegal
14 aliens.²² Harboring undocumented immigrants is punishable by heavy fine, life in prison, or
15 death, in some circumstances.²³ For example, the Federal Government has prosecuted Sanctuary
16 Movement leaders in the past, indicting eleven religious leaders between 1985 and 1987 on
17 criminal counts of conspiracy, and of concealing, harboring, and transporting illegal aliens.²⁴

18 Despite the risk, PICO National Network, in partnership with United We Dream and
19 Church World Service, has announced a coalition of more than 800 congregations committed to
20 providing sanctuary for immigrants.²⁵ Religious communities, such as Amici PICO California,
21
22

23 _____
24 ²² See 8 U.S.C.A. § 1324. There is a narrow exception in the law for religious organizations to “encourage, invite,
25 call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary
for the denomination or organization in the United States as a volunteer, . . . provided the minister or missionary has
been a member of the denomination for at least one year.” See 8 U.S.C.A. § 1324(C).

26 ²³ *Id.* at § 1324(B)(iv).

27 ²⁴ Associated Press, *Alien Sanctuary Movement’s State Unclear a Year After Court Case*, N.Y. Times, July 7, 1987,
available at [https://www.nytimes.com/1987/07/07/us/alien-sanctuary-movement-s-state-unclear-a-year-after-court-
case.html](https://www.nytimes.com/1987/07/07/us/alien-sanctuary-movement-s-state-unclear-a-year-after-court-case.html).

28 ²⁵ PICO National Network, *Organizing for the Resistance*, available at [https://www.piconetwork.org/take-
action/organizing-for-the-resistance](https://www.piconetwork.org/take-action/organizing-for-the-resistance).

1 have also shown passion for this cause in reaction to the current administration’s promise of
2 aggressive deportation campaigns.²⁶

3 For religious communities, providing sanctuary to those less fortunate is more than
4 volunteer work; it is a fundamental tenet of their faith. As Father Brendan Busse, S.J. Associate
5 Pastor at Dolores Mission Catholic Church, explains: “Our care for vulnerable families, our
6 assistance, our service, our offerings are not just acts of generosity but acts of worship.” He
7 added that “[a]ll of us” are affected by the Federal Government’s deportation tactics, “not just
8 10% or 50% or 90% . . . but all of us.” He continued by explaining that the faith community
9 considers sanctuary an act “toward sacrifice and love – toward authentic and redemptive
10 worship.”²⁷ Father Busse stresses that providing sanctuary to immigrants is a vital component of
11 living a sincere religious life.

12 4. **Religious Sanctuary Is Particularly Critical Due to the Current**
13 **Administration’s Recent Enforcement Actions in Sensitive Locations.**

14 While federal administrative enforcement guidelines include, on paper, some protections
15 for vulnerable populations, currently those guidelines have been effectively abandoned. For
16 example, Immigration and Customs Enforcement has enacted a policy that immigration
17 enforcement actions are not to occur at sensitive locations, such as schools or places of worship,
18 unless (1) exigent circumstances exist, (2) other law enforcement actions have led officers to a
19 sensitive location, or (3) prior approval is obtained from a supervisory official.²⁸ Enforcement
20 actions covered by this policy include apprehensions, arrests, interviews, searches, and
21 surveillance.²⁹ However, under the current administration, immigration-related apprehensions
22 and arrests at sensitive locations have occurred with great frequency. Recent immigration
23 enforcement actions at sensitive locations include the following: February 8, 2017, two
24

25 ²⁶ Amicus PICO California organized “100 Days of Resistance” to “fight the dangerous agenda touted by President
26 Trump’s administration,” available at <http://www.picocalifornia.org/100days/>.

27 ²⁷ Father Brendan Busse, S.J., is an Associate Pastor at Dolores Mission Catholic Church in the Boyle Heights
neighborhood in Los Angeles, California.

28 ²⁸ U.S. Immigration and Customs Enforcement, *FAQ on Sensitive Locations and Courthouse Arrests*, available at
<https://www.ice.gov/ero/enforcement/sensitive-loc>.

29 ²⁹ *Id.*

1 undocumented immigrants arrested in Virginia immediately outside of a church;³⁰ March 3, 2017,
2 an undocumented immigrant arrested in California less than two blocks from his daughter's
3 elementary school;³¹ January 25, 2018, two undocumented immigrants arrested in New Jersey
4 after dropping their children off at school;³² and March 14, 2018, an undocumented immigrant in
5 California arrested as he was dropping off his child at an elementary school.³³

6 In each of the aforementioned incidents, there was no apparent exigent circumstance or
7 prior law enforcement action that led officers to the sensitive location. The government's failure
8 to respect traditional boundaries heightens Amici's moral and religious objections to these
9 aggressive enforcement tactics, and threatens Amici's ability to perform essential humanitarian
10 services to minister to this vulnerable population.

11 **C. The Challenged Statutes Help to Prevent Abuse of Power Based on**
12 **Immigration Status.**

13 Each one of the Challenged Statutes affirms this principle in a different way. The
14 Immigrant Worker Protection Act affirms that Amici should "welcome the stranger" and are not
15 required to voluntarily assist the Federal Government in its enforcement of aggressive
16 immigration laws by turning over their employees unless proper procedures have been followed.
17 In addition, by requiring that employers give adequate advance notice of inspections, the act also
18 ensures that Amici, or anyone observing their religious calling, will not be made complicit in a
19 surprise raid, and reduces the chances that immigrants are scared away from receiving food,
20 shelter, and other basic necessities. Further, the act combats exploitation of undocumented
21 workers by employers who threaten to voluntarily turn in undocumented workers to federal

22 _____
23 ³⁰ Maya Rhodan and Elizabeth Dias, *Immigration Agents Arrested Men Outside a Church. But Officials Say It Was*
Just a Coincidence, Time, Feb. 17, 2017, available at [http://time.com/4674729/immigrations-church-sensitive-policy-](http://time.com/4674729/immigrations-church-sensitive-policy-concerns/)
24 [concerns/](http://time.com/4674729/immigrations-church-sensitive-policy-concerns/).

25 ³¹ Andrea Castillo, *Immigrant Arrested by ICE after Dropping Daughter Off at School, Sending Shockwaves Through*
Neighborhood, L.A. Times, March 3, 2017, available at [http://www.latimes.com/local/lanow/la-me-immigration-](http://www.latimes.com/local/lanow/la-me-immigration-school-20170303-story.html)
26 [school-20170303-story.html](http://www.latimes.com/local/lanow/la-me-immigration-school-20170303-story.html).

27 ³² Katie Kausch, *Roby Sanger Had Just Finished Dropping His Children Off at School Thursday Morning When He*
Was Arrested by ICE, Patch.com, Jan. 25, 2018, available at [https://patch.com/new-jersey/edison-](https://patch.com/new-jersey/edison-metuchen/metuchen-dad-arrested-ice-after-school-drop-advocates-say)
28 [metuchen/metuchen-dad-arrested-ice-after-school-drop-advocates-say](https://patch.com/new-jersey/edison-metuchen/metuchen-dad-arrested-ice-after-school-drop-advocates-say).

³³ Gary Klein, *Novato Man Arrested in Federal Immigration Bust*, Marin Independent Journal, March 14, 2018,
available at [http://www.marinij.com/government-and-politics/20180314/novato-man-arrested-in-federal-](http://www.marinij.com/government-and-politics/20180314/novato-man-arrested-in-federal-immigration-bust)
[immigration-bust](http://www.marinij.com/government-and-politics/20180314/novato-man-arrested-in-federal-immigration-bust).

1 immigration enforcement agents unless the workers agree to work under exploitative or illegal
2 conditions.

3 The Dignity Not Detention Act authorizes the California Attorney General to review and
4 inspect immigration detention facilities to examine the conditions of confinement, the due process
5 provided to detainees, and the circumstances around apprehension and transfer to the detention
6 facility. In keeping with common theology, this statute ensures that the state is witness to
7 whether vulnerable immigrants in its territory are given food, shelter, and basic human rights.

8 The California Values Act prohibits state and local law enforcement officers from
9 voluntarily providing certain identifying information about individuals or directly transferring the
10 individual to immigration officials, unless immigration officials provide a warrant or probable
11 cause determination, or in limited circumstances where the individual was convicted of certain
12 crimes. Like the other statutes, this law codifies the religious principle of welcoming the
13 downtrodden and vulnerable, by not actively sending them to those who would cast them out of
14 the state and out of the country.

15 The Challenged Statutes protect the religious principle of caring for those most often
16 exploited. The cumulative effect of the Challenged Statutes is to provide the opportunity to give
17 sanctuary, which is why Amici support the statutes.

18 **D. Enjoining the Challenged Statutes Will Do Great Harm to Religious**
19 **Communities.**

20 1. **All Immigrants Are Harmed by the Climate of Fear.**

21 Amici have thousands of productive immigrants within their congregations, proving
22 immigration status plays no role in an individual's ability or willingness to positively contribute
23 to their social, religious, and local communities. However, facing the possibility of deportation,
24 immigrants have shied away from public places, houses of worship, schools, and health services,
25 and social services staff confirm declines in client participation.³⁴ Parents in hiding are unable to

26 _____
27 ³⁴ Jacqueline M. Hagan et al., *Social Effects of Mass Deportations by the United States Government, 2000–10*, 34
28 *Ethnic & Racial Studies* 1374, 1378 (Aug. 2011), available at
https://www.researchgate.net/publication/232844424_Social_Effects_of_Mass_Deportations_by_the_US_Governme
[nt](#); Catherine E. Shoichet, *ICE Raided a Meatpacking Plant. More Than 500 Kids Missed School the Next Day*, CNN,

1 attend school meetings to discuss services for their children, and are too afraid to submit
2 applications for financial aid so their children may attend college.³⁵ Many immigrants spend
3 most of their nonworking hours in their homes because it is the safest way to avoid detection.
4 Such fear inhibits immigrants and their families from patronizing local businesses and other
5 public establishments and from regularly frequenting their places of worship.³⁶ The Challenged
6 Statutes help to dissipate this climate of fear that prevents immigrants from fully participating in,
7 and contributing to, American communities.

8 A preliminary injunction would also allow continued harm to those supporting
9 undocumented immigrants, even if they themselves have legal immigration status or are citizens.
10 Individuals who have legal status or citizenship, but may outwardly appear to be “foreign,” are at
11 risk of being swept up in immigration raids and detained, losing basic due process protections
12 until they are able to prove their citizenship.³⁷

13 Likewise, a preliminary injunction would also continue to destroy trust between
14 individuals in immigrant communities and local law enforcement, such that immigrants would no
15 longer feel comfortable reporting crimes or utilizing the legal system to protect against abuse.³⁸

16 The Amici can personally attest to the specific harm posed to those they serve by the
17 requested injunction. A few examples are illustrative.

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19
20 Apr. 12, 2018, available at [https://www.cnn.com/2018/04/12/us/tennessee-immigration-raid-schools-
impact/index.html](https://www.cnn.com/2018/04/12/us/tennessee-immigration-raid-schools-impact/index.html).

21 ³⁵ Patricia Gandara and Jongyeon Ee, UCLA Civil Rights Project, *U.S. Immigration Enforcement Policy and Its
Impact on Teaching and Learning in the Nation’s Schools* (Feb. 28, 2018), available at
22 [https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/u.s.-immigration-
enforcement-policy-and-its-impact-on-teaching-and-learning-in-the-nations-schools/EMBARGOED-Immigration-
enforcement-on-schools.pdf](https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/u.s.-immigration-enforcement-policy-and-its-impact-on-teaching-and-learning-in-the-nations-schools/EMBARGOED-Immigration-enforcement-on-schools.pdf).

23 ³⁶ Jacqueline M. Hagan, *supra*.

24 ³⁷ Paige St. John and Joel Rubin, *ICE Held an American Man in Custody for 1,273 Days. He’s Not the Only One Who
Had to Prove His Citizenship*, L.A. Times, April 27, 2018, available at [http://www.latimes.com/local/lanow/la-me-
citizens-ice-20180427-htmlstory.html](http://www.latimes.com/local/lanow/la-me-citizens-ice-20180427-htmlstory.html); Paloma Esquivel and James Queally, *A U.S. Citizen Says Her Rights Were
Violated After She Was Detained by Immigration Authorities in San Bernardino*, L.A. Times, May 26, 2017,
25 available at <http://www.latimes.com/local/lanow/la-me-aclu-ice-plascencia-20170524-story.html>.

26 ³⁸ James Queally, *Latinos Are Reporting Fewer Sexual Assaults Amid a Climate of Fear in Immigrant Communities,
LAPD Says*, L.A. Times, March 21, 2017, available at [http://www.latimes.com/local/lanow/la-me-ln-immigrant-
crime-reporting-drops-20170321-story.html](http://www.latimes.com/local/lanow/la-me-ln-immigrant-crime-reporting-drops-20170321-story.html); James Queally, *ICE Agents Make Arrests at Courthouses, Sparking
Backlash From Attorneys and State Supreme Court*, L.A. Times, March 16, 2017, available at
27 <http://www.latimes.com/local/lanow/la-me-ln-ice-courthouse-arrests-20170315-story.html>.

1 As Pastor Trena Turner explains, in addition to the tragic stories Americans hear on the
2 news or read in the papers concerning swift deportation of community members, there are
3 countless cries and screams Americans do not hear or do not see. Specifically, what the public
4 often fails to consider are the “silent screams of those that have been tragically violated and then
5 robbed of their ability to cry out against their attackers.”³⁹ Pastor Turner uses “Mary” as just one
6 example to highlight the harms those within faith communities are suffering as a result of current
7 immigration policies. Mary is a U.S. citizen living with an undocumented partner. Mary is
8 reluctant to bring any attention from law enforcement to her or her household as she fears such
9 would result in the immediate deportation of her partner. This means Mary no longer feels
10 comfortable using the legal system or the protections of the law for herself or her loved ones.
11 Pastor Turner stresses that Mary’s fear of deportation is not just a fear that impacts “immigrant
12 brothers and sisters,” but one that has a “rippling effect into all of our lives.”

13 Joseph Tomás Mckellar, the Co-Director of Amici PICO California, has countless stories
14 like Mary’s. Joseph provides two stories as examples of the fear immigrants face under the
15 Federal Government’s indiscriminate deportation system. “Mario” is a father of six children and
16 a standout member at his Catholic church in Los Angeles, California. Mario had a troubled past,
17 but learned from his mistakes and has stayed out of trouble for 30 years, working full-time and
18 volunteering at his church and his children’s schools. Yet Mario still lives in constant fear that he
19 will be pulled away from his family without notice. He wakes up every morning “look[ing] out
20 of his window to make sure ICE isn’t waiting for him.” Mario cannot bring himself to explain to
21 his young children that their father could be taken away from them at any moment under the
22 current administration.⁴⁰

23 Joseph also recalls a story from March 2017, of a young mother of two, Esperanza, who
24 was pulled over in Central California and cited for a minor traffic violation. Instead of releasing
25 her with just the traffic ticket, local law enforcement informed the young woman that they had

26 ³⁹ Pastor Trena Turner is a pastor at Victory in Praise Church in Stockton, California, and also serves as the
27 Executive Director of Faith in the Valley. Pastor Turner uses the name “Mary” instead of the young woman’s real
28 name because of the woman’s fear of her undocumented partner being targeted and deported. Pastor Turner provided
a written statement to Joseph Tomás Mckellar, the Co-Director of PICO California, on May 14, 2018.

⁴⁰ “Mario” is used out of privacy and to protect the real identity of the individual Joseph describes above.

1 voluntarily passed her information to ICE agents because she was undocumented. Within
2 minutes, two ICE agents arrived at her home to arrest and deport her. Fearing for the safety of
3 her young family, she never returned to her home. Esperanza’s life was torn apart at that
4 moment, and she remains in hiding to this day.⁴¹

5 2. **Immigration Detention and Deportation Traumatize American**
6 **Families.**

7 Courts have repeatedly recognized that there is a public interest in maintaining stable
8 families and communities. Federal courts have found that uprooting families can be an injury to
9 the public interest. *See, e.g., Richland Park Homeowners Ass’n v. Pierce*, 671 F.2d 935, 943 (5th
10 Cir. 1982). “The family and relationships between family members occupy a place of central
11 importance in our nation’s history and are a fundamental part of the values which underlie our
12 society.” *Bastidas v. INS*, 609 F.2d 101, 105 (3d Cir. 1979) (finding insufficient consideration
13 was given to a father’s affectionate relationship with his young son in determining whether to
14 suspend deportation proceedings).

15 The current immigration enforcement system puts many families, including documented
16 and undocumented immigrants alike, at risk of harm, as many undocumented immigrants are a
17 part of families with mixed immigration status. Even before deportation, detention of a family
18 member often is traumatizing for a family. Detained immigrants are transported an average of
19 370 miles, making regular contact with their children and families virtually impossible.⁴² Unlike
20 jails or prisons, immigration detention centers often do not have adequate services in place to
21 facilitate visitation by family or counsel, or even telephonic appearances for court hearings.⁴³
22 Detainees may be transferred to various facilities during the course of their proceedings, and
23

24 ⁴¹ The story of the young woman also appeared in numerous media outlets, including an article by the ACLU: Jennie
25 Pasquarella, ACLU of Southern California, *California’s Senate Just Approved a Bill to Protect Its Residents From*
Trump’s Deportation Forces (April 5, 2017), available at [https://www.aclu.org/blog/immigrants-rights/deportation-](https://www.aclu.org/blog/immigrants-rights/deportation-and-due-process/californias-senate-just-approved-bill-protect-its)
[and-due-process/californias-senate-just-approved-bill-protect-its](https://www.aclu.org/blog/immigrants-rights/deportation-and-due-process/californias-senate-just-approved-bill-protect-its).

26 ⁴² Seth Wessler, Applied Research Center, *Shattered Families: The Perilous Intersection of Immigration*
27 *Enforcement and the Child Welfare System* 38 (Nov. 2011), available at [https://11042-presscdn-0-63-pagely.netdna-](https://11042-presscdn-0-63-pagely.netdna-ssl.com/wp-content/uploads/indres/081512shatteredfamilies.pdf)
[ssl.com/wp-content/uploads/indres/081512shatteredfamilies.pdf](https://11042-presscdn-0-63-pagely.netdna-ssl.com/wp-content/uploads/indres/081512shatteredfamilies.pdf).

28 ⁴³ Nina Rabin, *Disappearing Parents: Immigration Enforcement and the Child Welfare System*, 44 Conn. L. Rev. 99,
122-24 (2011).

1 family members are not regularly informed of their loved one’s whereabouts.⁴⁴ Those who work
2 in the immigration system acknowledge that it is common for a person to “disappear” once they
3 have been picked up by ICE.⁴⁵ This can have severe adverse effects on their parental rights as
4 well, particularly for “disappearing fathers.” Some in the welfare system are quick to write off
5 these fathers and cease efforts to track them down, resulting in termination of parental rights.⁴⁶

6 These elements of the immigration detention process are particularly harmful to the family
7 unit. With no information, no services for the detainees or the families of detainees, and no
8 resources, immigrant families must lean heavily on their social networks and religious
9 communities, including Amici, to handle the repercussions of the sudden disappearance of a
10 family member.

11 3. **Amici Will Be Harmed by Indiscriminate Removal of Undocumented**
12 **Immigrants.**

13 Immigrants are active and cherished participants in religious communities, and their
14 indiscriminate removal will harm the faith community. While the Catholic Church has suffered
15 declining attendance in the United States in recent years, the overall percentage of Catholics has
16 held fairly steady, largely because of the growth of the U.S. Hispanic population.⁴⁷ It is estimated
17 that 83% of undocumented immigrants are Christian,⁴⁸ and the majority of Muslims and Hindus
18 in the United States are immigrants.⁴⁹ As a result, the indiscriminate removal of immigrants is
19 likely to adversely affect Christian, Muslim, and Hindu communities, among others. Not only
20 will attendance numbers decrease if members are detained or deported, but more important, the
21 sense of community and dedication to a religion is diminished when houses of worship cannot
22 provide their members with the sanctuary that is a cornerstone of their faith. The very tenets of
23 living a religious life will be disturbed by the Federal Government’s requested injunction.

24 _____
25 ⁴⁴ Human Rights Watch, *Locked Up Far Away: The Transfer of Immigrants to Remote Detention Centers in the*
United States (Dec. 2009), available at www.hrw.org/sites/default/files/reports/us1209webwcover_0.pdf.

26 ⁴⁵ Rabin, *supra*, 44 Conn. L. Rev. at 119.

27 ⁴⁶ *Id.*

28 ⁴⁷ Pew Research Center, *The Religious Affiliation of U.S. Immigrants: Majority Christian, Rising Share of Other*
Faiths (May 17, 2013), available at <http://www.pewforum.org/2013/05/17/the-religious-affiliation-of-us-immigrants/>

⁴⁸ *Id.*

⁴⁹ *Id.*

1 Amici have thousands of immigrants within their congregations and have seen how these
2 individuals positively impact their social, religious, and local communities. Recent immigrants
3 contribute to local communities by providing new perspectives that enhance society's cultural
4 fabric, as well as add to the nation's productivity. At a basic level, houses of worship can help
5 immigrants adjust to America by providing a network of information, including everything from
6 how to find employment and housing, to how to apply for a Social Security card, to how
7 insurance works in this country. Mosques, temples, and church networks serve as unofficial work
8 referral systems where worshippers can learn about jobs or identify those they may hire
9 themselves. New immigrants who are part of a congregation may learn about applying for
10 college or where to obtain medical attention. In these ways, the house of worship is a center of
11 the community for immigrants. It is a place where immigrants can seek sanctuary, honor their
12 cultural traditions, learn new languages, cement their faith, find spouses, and raise families.
13 Indiscriminate deportations deprive our communities and nation of diversity of thought and
14 enrichment of culture, and threaten the stability of the nation's religious communities.

15 **III. CONCLUSION**

16 The Challenged Statutes provide important benefits to those who are most vulnerable in
17 our society and to those who serve them. By offering some protections for its citizens to avoid
18 being complicit in arbitrary deportations, and by ratcheting down the atmosphere of fear created
19 by federal immigration enforcement tactics, the Challenged Statutes also ensure that the public
20 will continue to benefit from the substantial contributions of recent immigrants. This effect is
21 consistent with, and a reflection of, the sacred religious principle of sanctuary. Because the
22 Challenged Statutes are in the public interest and the Federal Government cannot establish the
23 factors necessary to support an injunction, the motion for preliminary injunction should be
24 denied.

25 Dated: May 18, 2018

Respectfully submitted,

26 /s/Esra Acikalin Hudson

Esra A Hudson

27 MANATT, PHELPS & PHILLIPS, LLP
28 Counsel For *Amici Curiae*

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure, *amici curiae* state that no *amicus* has a parent corporation and that no publicly held corporation owns 10% or more of the stock of any *amicus*.

/s/ Esra Acikalin Hudson
Council for *Amici Curiae*

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CERTIFICATE OF COMPLIANCE

I certify that pursuant to Judge Mendez’s Minute Order entered on April 11, 2018, this brief substantially complies with Federal Rule of Appellate Procedure 29(a), and the brief itself does not exceed 15 pages.

/s/ Esra Acikalin Hudson
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CERTIFICATE OF SERVICE

I hereby certify that on May 18, 2018, I electronically filed the foregoing *amici curiae* brief with the Clerk of the Court for the United States District Court for the Eastern District of California. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Parties may access this filing through the Court’s CM/ECF system.

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