

# JUDGE REFUSES TO HALT IMMIGRATION ENFORCEMENT ACTIONS AT PLACES OF WORSHIP: 3 THINGS YOUR SCHOOL NEEDS TO KNOW

Insights  
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A federal judge in the District of Columbia just denied an effort to stop the Trump administration from taking efforts to pursue immigration enforcement actions like deportation raids at religious institutions – which could mean that your school campus may still be subject to possible disruption. Friday’s ruling comes from a lawsuit filed by a broad array of religious institutions that were not pleased that the new administration scrapped a Biden-era directive that had protected “sensitive” locations like schools and places of worship from Immigration and Customs Enforcement (ICE) enforcement activity. What are the three things your school needs to know about this ruling?

## Background

The Department of Homeland Security (DHS) had maintained standing guidance requiring ICE to refrain from immigration enforcement activity in “sensitive” locations since 2011. During the Biden administration, the president issued a memo expanding the definitions of sensitive areas to include the following locations and events (among others):

- Schools (including preschools, K-12 schools, and universities)
- Healthcare facilities (including hospitals, doctor’s offices, and community health clinics)
- Places of worship

## Related People



**Preston L. Buchanan**

Associate

954.847.4738



**Jennifer B. Carroll**

Partner, Co-chair K-12  
Institutions

954.847.4716

- Places where children gather (including playgrounds and bus stops)

The Biden administration’s memo further specified that officers should refrain from enforcement activity “near” sensitive locations, including parking lots, sidewalk, and entrances.

### Trump Strips Away Protection Policy

On the same day he was inaugurated, President Trump rescinded this policy by issuing two directives:

- to rescind the Biden administration’s guidelines for immigration enforcement near sensitive areas; and
- to end the “broad abuse” of humanitarian parole by returning the program to a case-by-case basis.

As we previously discussed in [our January 28 Insight](#), the expanded ICE presence in sensitive locations was expected to have a chilling effect on immigrant communities. Fear of detention or deportation may deter individuals from seeking critical educational services, legal protections, or attending court proceedings.

### Court Ruling Upholds Trump Policy—For Now

In February, 27 religious organizations filed suit against the DHS in the U.S. District Court for the District of Columbia in *Mennonite Church USA v. U.S. Dept. of Homeland Security*, alleging that the new policy directives violate the First Amendment and the Religious Freedom Restoration Act.

- The complaint details the history of the DHS’ standing guidance from 2011 as well as the Biden administration’s memo expanding the definition of sensitive locations.
- Importantly, many of the plaintiff religious organizations cite concerns over their affiliated preschools and schools, with the Central Conference of American Rabbis explaining that one of its associated synagogues runs an on-site preschool in which 40% of its participating families are from Central America.
- The General Assembly of the Presbyterian Church, U.S.A. likewise expressed concerns that its ministries towards schooling and ESL classes will be significantly affected by the Trump administration’s directives.



**Angelica M. Ochoa**

Partner

303.218.3669

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Judge Dabney Friedrich denied the plaintiffs' motion for temporary restraining order on April 11, ruling that they did not make the requisite showing of a "credible threat" of enforcement. Her ruling noted that:

- the Trump administration's new policy does not direct law enforcement to target places of worship; and
- the plaintiffs did not show that places of worship were being singled out as special targets.

## **What Your School Needs to Know**

This ruling could have an impact on your school. Here are the three things you need to know.

### **1. Immigration enforcement activity may proceed at sensitive locations – for now.**

The ruling does not pause immigration enforcement activity at sensitive locations. Schools should remain vigilant for two key reasons:

- While a final disposition in the case may still take months, the plaintiffs may appeal the ruling or seek some other emergency relief.
- There is a chance that another district court could reverse the Trump administration's directives in other lawsuits.

### **2. The final disposition in this case – as well as in two similar cases – may reach a different conclusion than Friday's ruling on the motion for a preliminary injunction.**

- Friday's ruling simply concludes – temporarily – that the plaintiff religious organizations (1) had failed to demonstrate a substantial likelihood of success on the merits of their claims and (2) had failed to show that they were suffering irreparable harm.
- Importantly, during the hearing, Judge Friedrich asked the plaintiffs whether any raids had occurred at places of worship in assessing whether they had suffered irreparable harm. They could only point to decreases in attendance at religious services and interference with social service ministries, such as daycares. Should enforcement actions occur at "sensitive" locations in the future, any additional lawsuits where a motion for a preliminary injunction is filed on behalf of an entity

operating with a “sensitive” location may reach different results.

- Friday’s ruling is *not* a final disposition of the case. A future order on a motion for summary judgment or a trial verdict may differ from the findings of Friday’s ruling.

### 3. Prepare for uncertainty in immigration enforcement.

Any entity included in the Biden administration’s definition of a “sensitive” location should remain proactive following Friday’s ruling:

- Monitor legal updates. Make sure you are subscribed to [Fisher Phillips’ Insight System](#) to get the most up-to-date information.
- Continue to review I-9s for all school employees, prepare to respond to I-9 audits ahead of time, and prepare protocols for immigration enforcement raids.
- Consider purchasing the Schools’ Rapid Response Toolkit for DHS/ICE Raids, [available through fpSolutions](#).

### What to Expect Next

The denial of the plaintiffs’ motion for a preliminary injunction furthers a trend upholding the validity of the Trump administration’s policy shift away from the Biden administration’s protections for “sensitive” locations. While a final disposition awaits in this case, the validity of the directives may depend on decisions from other district courts, appellate courts, or even the Supreme Court.

Fisher Phillips will continue to monitor developments in this case and provide updates when available. For more information or assistance with compliance, please contact your Fisher Phillips attorney, the authors of this Insight, or any member of our [Immigration Practice Group](#). Our [Employers’ Rapid Response Team](#) (877-483-7781 or [DHSRaid@fisherphillips.com](mailto:DHSRaid@fisherphillips.com)) is on call to provide immediate legal counsel when a raid occurs, assist with documentation and compliance review, and provide post-raid support and strategy assistance.

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