



Dear New England Synod,

On Friday, February 13, 2026, United States District Judge Dennis Saylor ruled in favor of the New England Synod and other plaintiffs and against the January 2025 order by the Department of Homeland Security allowing unlimited access to places of worship for immigration enforcement activities.

In his ruling, Judge Saylor identified three areas protected from immigration enforcement activity:

“places of worship,” i.e., churches themselves or other places regularly used to conduct religious services;

“adjacent protected facilities,” i.e., facilities “attached to or adjacent to” places of worship that are used to conduct activities central to member’ religious missions, such as a school;

“adjacent protected areas,” i.e., any property adjacent to a place of worship that is owned, occupied, or operated by the church, such as a parking lot, walkway, lawn, garden, playground, or cemetery.

The order strictly limits immigration enforcement activities in and around any of the above three categories of protected areas **unless:** (1) there are “exigent circumstances,” i.e., an immediate threat to human life or safety, or (2) the enforcement activity is authorized by an administrative or judicial warrant.

Further, the order prohibits immigration enforcement activities within 100 feet of any entrance to any of the three categories of protected areas **unless** (1) there are exigent circumstances, (2) the enforcement activity is authorized by an administrative or judicial warrant, or (3) the activity has been previously authorized by a supervisor at ICE or CBP headquarters in D.C. The order prohibits setting up a checkpoint or other barrier in order to target people on their way to or from any of the three categories of protected areas.

It’s important to note that Judge Saylor’s ruling goes into effect only for plaintiffs in the lawsuit once the plaintiffs have supplied a list of places of worship, adjacent buildings and adjacent properties. I will be working with our lawyers, and may be contacting you for information, as we compile this list by the February 27th deadline set forth by the judge.

It's also important to note that our lawyers understand this ruling to cover all activity within our worship spaces and adjacent facilities and areas whether the activity is of the congregation or not. Therefore, other Christian communities renting space and worshiping in our worship spaces and adjacent facilities and areas; schools, day cares, after school programs meeting and gathering in our worship spaces and adjacent facilities and areas; and all other outside community groups who rent, meet, or use space in our worship spaces and adjacent facilities and areas are also protected by this ruling.

While I, and many in the New England Synod, celebrate this ruling as a matter of human decency and protection for our communities, I have heard from some members of the New England Synod opposed to our participation in the lawsuit. To these members I have said three things:

We participated in this lawsuit guided by the New England Synod Assembly's overwhelming adoption (over 90% voting in the affirmative) in June 2025 of a resolution calling on the Evangelical Lutheran Church in America to participate in such lawsuits on behalf of our neighbors in need. While the ELCA Churchwide organization declined to participate in this lawsuit, ELCA Legal Counsel encouraged synods to participate if they chose to do so. In consultation with Synod Council Vice-President Cassandra Wilson and the Synod Council Executive Committee, we looked to the Synod Assembly's action as evidence of broad-based support for participating in this legal action.

There was broad-based support for participating in such lawsuits because members and congregations of the New England Synod have been directly impacted by enhanced immigration enforcement activity. We did not participate in this lawsuit because we hate the President or his policies. We participated because we love our Christian siblings impacted by these policies. This is not a "theoretical" problem happening elsewhere, but a real problem happening to us. We are impacted. Members of the New England Synod are living in fear because of this order. Let me be clear: people here legally are hiding and living in fear of racial profiling and stereotyping leading to harassment and detention by ICE. In his ruling, Judge Saylor noted my observation that not only does decreased worship attendance harm those who stay away from church in fear, but also those who can attend, who are not blessed in relationship with those who stay away. Our Christian community is diminished when not everyone participates. We cannot be fully the body of Christ unless all are able to participate fully in Christian community.

This lawsuit does not challenge the government's right and ability to enforce immigration law. This lawsuit responds specifically to the January 2025 Department of Homeland Security order allowing immigration enforcement activity within places of worship. That order reversed a policy in place under both Republican and Democratic administrations, including the first Trump administration. Prohibiting immigration enforcement activity in churches preserves the ability to worship God who understands no borders within God's kingdom.

Let me state clearly that we need comprehensive immigration reform in this country. We need immigration laws that are fair and just and reflect the rich history of the United States as a country of immigrants. No one is served by laws, policies and rhetoric that demonize and scapegoat immigrants, rip families apart and turn churches and sacred places into battlegrounds for immigration enforcement activities. Even as the judge ruled in favor of the plaintiffs in this lawsuit, difficult questions about immigration laws, policies and enforcement remain. My hope is that this ruling offers protection to the New England Synod so that our places of worship and adjacent buildings and areas may be places where all children of God may gather to hear the Gospel and experience for themselves the hospitality, welcome and mercy of Jesus Christ. From a place of shared love and humanity, may we then engage the complex and difficult questions about immigration policy and enforcement.

I will keep you posted if there are any further updates. Please contact the Synod Office if you have any specific questions or concerns.

I wish you a blessed and sacred Ash Wednesday and Lenten journey.

Yours in Christ,

Bishop Piphō