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Gallagher LLP

MONDAY MINUTE

Sanctuary Reaffirmed: Limits on Immigration Enforcement at Houses of Worship

On August 18, 2026, the U.S. Court of Appeals for the Fourth Circuit affirmed a **decision** restricting new Department of Homeland Security (DHS) guidelines expanding immigration enforcement at or near houses of worship.

Though limited to the religious congregations that brought the case, the court's decision sets a precedent enabling other congregations to challenge aggressive immigration enforcement near their places of worship.

Background

The plaintiffs in the case—five Quaker Friends meetings, a Sikh temple, and the Cooperative Baptist Fellowship—challenged a new DHS enforcement policy that removed guidelines intended to limit immigration enforcement around houses of worship. Instead of guidelines, the new policy gives agents and their supervisors discretion in making enforcement decisions, including whether, where, and when to conduct immigration enforcement near a place of worship.

The plaintiff congregations argued that the policy substantially burdened their religious exercise, in violation of the **Religious Freedom Restoration Act** (RFRA), because it limited attendance at their religious services and impaired their ability to worship communally and to minister to immigrant communities. The plaintiffs also argued that the policy burdened their First Amendment right to expressive association. The district court agreed and issued a preliminary injunction ordering DHS to act in accordance with its prior guidelines that limited immigration enforcement in or near the plaintiffs' places of worship. The government appealed.

Fourth Circuit Decision

In its August 2026 opinion, the Fourth Circuit found that the plaintiff congregations had standing to challenge the new DHS policy even though they were not its direct targets. The court found that the congregations had demonstrated they would suffer injury because the DHS policy had already resulted in a decline in attendance at their houses of worship for religious services and other programs, and this injury was "fairly traceable" to the DHS policy.

Regarding the plaintiffs' RFRA claim, the court found that the new DHS policy imposed a substantial burden on the plaintiffs' religious exercise. The Fourth Circuit noted that the increased threat of immigration enforcement imposed by the DHS policy placed substantial

pressure on the plaintiff congregations to violate numerous religious beliefs, including their commitment to welcome all worshippers, regardless of immigration status. The court further observed that the policy already had a chilling effect on religious exercise rights at the plaintiffs' congregations, citing evidence of declines in attendance among members of the Cooperative Baptist Fellowship and at the Sikh temple. The court found that declining attendance and the increased threat of immigration enforcement imposed a substantial burden on the plaintiffs' ability "to express their religion through communal worship." Ultimately, the Fourth Circuit affirmed the district court's order that DHS must act in accordance with its previous guidelines and limit immigration enforcement at or near the plaintiffs' places of worship.

What's Next?

Following the Fourth Circuit's decision, litigation in the district court is likely to continue. While the injunction is limited to the plaintiff congregations and their particular houses of worship, these court rulings provide guidance for other religious organizations that may be impacted by evolving policies around immigration enforcement.

If you have questions about the Fourth Circuit's decision or how to protect your own congregation, please reach out to:

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