

First Unitarian Congregation of Toronto
Sanctuary Task Force Report
May 28, 2009

“Commitment to the larger community and working to bring about positive change is a spiritual practice. We will put our faith into action by initiating and actively supporting a variety of social action projects as a congregation and as individuals. In support of our principles, we will be in the forefront in the wider struggle of justice for all.” (First Unitarian Congregation’s Vision Statement, 2008)

In late January, our church was one of several that were approached to see if they would give sanctuary to a young woman from Ethiopia. Her claim for refugee status in Canada had been turned down by Canada’s Immigration and Refugee Board, and she was under a deportation order. She feared for her safety if/when she is returned to Ethiopia, as she was imprisoned and tortured when she lived there.

On February 1, the Board of Trustees received the request from Margaret Rao, who is chair of Toronto First’s chapter of Canadian Unitarians for Social Justice, and a member of the Anne Frank Sanctuary Committee. The trustees felt that offering sanctuary was an issue worth pursuing but that it should only be entered into with serious forethought and discussion by the congregation as a whole. Shortly after we received the initial request, the young woman was given sanctuary by another church in Southern Ontario; although the urgency of our decision-making decreased, the Board decided to go ahead with the discussion so as to be better prepared to respond if/when future requests were received.

A Sanctuary Task Force was struck at First; its members are Margaret Rao, Ellen Campbell, Janice Tait, Kathlene Willing, Brendan Bailey, Judy Clarke, and Steve Watson. This report is the result of the investigations and deliberations of the Task Force. Sources of information and guidance include:

- meetings with individuals who have been involved in four sanctuary situations in Ontario in recent years (Fr. Steven Mackison, minister of an Anglican church in Mississauga; Joan Auden of the First Unitarian Congregation of Ottawa, and the Board of Trustees at the church where the above-mentioned woman is now in sanctuary);
- meetings with Matthew Behrens of the Anne Frank Sanctuary Committee;
- Sanctuary Guidelines approved by the CUC Board of Trustees, May 2005;
- Sanctuary Legal Manual, and “Sanctuary for Refugees? A Guide for Congregations” , both published by the United Church of Canada;
- Sanctuary, Sovereignty, Sacrifice: Canadian Sanctuary Incidents, Power, and Law, 2005, by Randy Lippert, UBC Press.

This report documents the findings of the Task Force, including a FAQ section. It contains descriptions of:

- the historical and legal issues of sanctuary,
- issues related to the needs of the person in sanctuary (accommodation/property, personal support, necessities of life),
- the costs (both financial costs and human resources) and
- the benefits.

The History of Sanctuary

The practice of giving sanctuary (offering a place of safety to those in danger of arrest) in churches and communities is an ancient one, dating back to biblical times. In the more recent context, however, sanctuary has been practiced from the 1970s in Britain, during the early 1980s in the US, and since that

time in various European countries, Australia, and Canada. During the Viet Nam War, draft dodgers from the US were given sanctuary in various locations in Canada, including, for a period, on the premises of the First Unitarian Congregation of Toronto.

According to Randy Lippert, writing of the Canadian experience of sanctuary between 1983 and 2003, there were 36 instances of sanctuary in that period. In most instances, it was Christian churches (most frequently United, Roman Catholic and Anglican) that took individuals or groups of individuals into sanctuary during this period. Of the known outcomes, 70% were successful.

Although Canada's long-term history in its handling of refugees has not always been exemplary (the Chinese Head Tax, the restriction on Jewish refugees from Europe in the 1930s being some examples), our post-WWII record as a haven has been one of the things that made us feel proud to be Canadian. In 1986 we were awarded the Nansen Medal for this. More recently, however, this reputation has suffered as government policies and practices, and to some extent public attitudes, became less supportive of refugee settlement. In June 2002 (after 9/11) the government passed the Immigration and Refugee Protection Act. It reduced the three-person decision-making panel to a single person. More seriously, while the legislation promised that an appeal procedure would be put in place, successive governments have failed to do this. Today, just *one* person makes the decision on a case, and there is no possibility of an appeal in which the reasons for the negative decision by the judge would be reviewed. The only option for the refugee claimant is to submit a Pre-Removal Risk Assessment (PRRA) application, or ask to stay here on 'Humanitarian and Compassionate' grounds. This must be done within 30 days of a negative decision. The success rate of the former is 2%, and is based solely on technicalities. The latter judicial review takes months, if not years, to decide, by which time many refugee claimants have been removed from the country. In effect, the provision of sanctuary—the sheltering of a person under a deportation order—has become the appeal -the last resort for people in danger of unjust deportation.

In 1993, the Unitarian Church of Calgary was the first Unitarian congregation in Canada to shelter a refugee. The Unitarian Universalist Church of North Hatley in Quebec provided shelter to a Columbian father and daughter in 2003. The First Unitarian Congregation of Ottawa has had two such experiences, opening its doors to Samsu Mia between 2003-4, and to Shree Kumar Rai in 2007. Both of these cases have been settled successfully.

In 2005, the CUC Board endorsed the right of CUC member congregations to offer sanctuary to individuals and families in recognizable danger of persecution, and issued guidelines for those that wished to do so. It recommended that (1) the Board of the congregation develops, in a consultative manner, a policy on sanctuary for congregational approval, and (2) if a specific request for sanctuary is received, that the Board carefully ascertain the status of the individual and the request for sanctuary (See Q1 in FAQ section of this report). The current process addresses the first of these recommendations, and the question related to any specific request from a refugee claimant would be dealt with at a later date, if/when a policy has been established, and a specific request received. UN Convention Refugees are "individuals outside their country of nationality or former habitual residence who have a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion".

Legal Considerations

Is it legal to take someone into sanctuary? You can look at this two ways. It is true that sheltering someone under a deportation order is "civil disobedience" in one sense, as it is allowing that individual to avoid the immediate legal process, i.e., the deportation that has been ordered. On the other hand, Canada signed the 1951 UN Convention Relating to the Status of Refugees and the 1967 Protocol

Relative to the Status of Refugees which require their signatories to provide **fair and open** processes to refugees. You could say that sanctuary is not civil disobedience, but instead is “civil obedience” - calling the government to act on the principles to which it has agreed.

Since 1984 there have been forty cases of sanctuary in Canada, and the police have never entered a church. No church member or representative has been arrested. The Sanctuary Guidelines published by the CUC state that sanctuary has “no status in law, although it has a substantial moral claim based on religious history”.

The needs of the person in sanctuary

Personal support

People who have been involved in sanctuary tell us that for the “guest” it is like “house arrest” —albeit in a friendly and supportive place. The person cannot leave the building. This can be lonely and depressing. However, people in sanctuary are survivors. They have managed to get to this point in their lives through sheer strength of will and character. They have experienced difficulties the rest of us can only imagine.

Therefore, we would want to honour our guest’s sense of independence and privacy, but at the same time make them feel welcome and socially connected to the congregation and to the outside world. It would be important that our guest set the tone in terms of his/her particular wants and needs. However, the types of personal support we envisage might take the form of friendly visits, phone calls, emails, sharing meals and recipes, offering reading materials, English language practice, favorite movies and fun activities. Confidentiality and good listening skills are paramount.

Interaction with members of the congregation and participation in congregational life has been very important for the people we have learned about in other sanctuary settings. Some guests have taken courses or developed new skills. They have become part of the congregation, and contributed to the richness of its community. Living in sanctuary would be a challenge and an opportunity for learning for both the guest and the members of the congregation.

Necessities of life.

The person living in sanctuary would need some very practical assistance with some of the day-to-day activities that most of us do without much thought: grocery shopping, doing the laundry, getting a haircut. A group of volunteers would be necessary to ensure that these needs are met

- Groceries and cooking: The guest would do his/her own cooking. We’d need to check the kitchen to ensure that there were appropriate utensils for cooking for one; the kitchen is mostly equipped for pot lucks and large groups. Weekly shopping for food and personal items would be required.
- Laundry: Two sets of bed linens and towels would be required, and someone would have to take these and other washable items away to be laundered, either at their home or the laundromat.
- Other errands: Going to the public library, picking up any special items needed.
- Activity and entertainment: Television (possibly with DVD) and radio; computer with internet capacity; cell phone and phone cards (to maintain anonymity).
- Medical care: We would identify in advance medical and dental practitioners, within the congregation or supporters from outside, who could be called upon when necessary.
- Haircuts: Again, we would identify someone who would be willing to come in as needed.

Accommodation/property

A person living full time at the church will require a room, a place to shower, and a place to cook. This would mean changing the function of one of the rooms in the church, and adding a shower to one of the washrooms. The large washroom on the main floor is one place that this could be done. The other possibility is to house the guest in Room 304, on the second floor. Since it has a nearby washroom and an adjoining closet, a shower stall could be installed in the closet using the existing plumbing. This would provide privacy for the guest.

Using the kitchen for cooking is an option, but there might be times the kitchen would not be available or be very busy. The fridge in the kitchen might be full of other groups' food or the person's food might be used by others. Therefore having a microwave, an electric kettle, and a small bar fridge for the guest's exclusive use in their own room would be preferable.

To make all this possible, we would need to:

- supply furniture (assuming donations of a bed, chest of drawers, table, chairs, etc);
- supply bed linens and towels (assuming donations);
- supply a small office/bar fridge for exclusive use;
- supply pots and pans;
- supply TV, radio, computer (possibly by donations);
- purchase and install a shower unit .

Costs

Depending on which room was provided for the person's private space, there might be a loss of rental income, and our utility costs might go up slightly. A television set, computer, cell phone (begged, borrowed or purchased) would be necessary to make this "house arrest" bearable. So we'd need to raise funds to cover costs. However, the Anne Frank Sanctuary Committee would contribute, and other congregations or individuals may also contribute both money and time.

There would be one-time costs such as installing a shower. We assume that decorating and furnishing a room for the guest could be done with volunteer labour and that many of the necessary items (e.g., furniture, TV, computer and cell phone) would be donated. It's also possible that we might find a plumber willing to do the labour at a reduced rate.

Assuming that we could rely on donations for the furniture and smaller items, the greatest expense would be purchasing and installing the shower unit. A Home Depot estimate puts the cost in the neighborhood of \$3,000.00.

- a 30" w x 32" d x 74" h shower unit with door ranges from approx \$500-\$600
- fixtures \$150
- installation about \$2500.00 (depending on the circumstances of installing)

There would also be on-going costs which are estimated as follows:

- Monthly cost of food and other personal necessities: \$350-400 per month for a yearly total of \$4200 – \$4800.
- Cost of a phone card @ \$20.00 per month for a yearly total of \$240.00 (estimate)
- Contingency – winter clothing; books and unexpected expenses - \$500.

Fund-Raising

In order to support the guest, fund-raising would be required. We would need a committee to take responsibility for this aspect of the project – designing fund-raisers, managing the funds, working with those who are supporting the guest to determine their needs. The total for the on-going costs comes to about \$5000 per year. The dinner series could be considered as a fund-raising vehicle since it usually raises approximately \$5000 per year. Other creative fundraising ideas would be needed. One good example - in one recent sanctuary case, the guest was a sushi chef, and many fundraising events featuring his cooking were held, and garnered wider community support outside of the church as well as within it.

Human Resource Needs

We envisage small groups of people being required to plan and implement plans in four distinct areas, with a larger group of volunteers supporting these efforts.

Accommodation

A committee of two to three people would ready the chosen space for the guest - hiring someone to install the shower and make the necessary alterations to the space in which this would be situated, finding volunteers to paint the room, getting curtains for the windows, a bed, bureau, linens, small fridge and the other items listed above (computer, cell phone etc.) The major time commitment for this committee would be at the start of the period of sanctuary.

Personal Support

The need here would depend very much on the needs of the guest; as mentioned above, we would take our lead from them. Although the “personal support” aspect of the sanctuary situation would likely develop naturally and organically, we would need a core group of two to four people to be in regular contact with the guest, and (at least at the start) to coordinate visits and activities in which they would be involved. If it was determined that someone needed to be on the premises around the clock for a period, this would be coordinated by this group. They would also arrange for the grocery-shopping, laundry and the other items listed in the “Necessities of Life” section above. The need for personal support volunteers would be on-going, and would likely involve a wide range of volunteers.

Fund Raising

Again, three to four people would plan and implement fund raising events on an on-going basis. The support of the congregation in these efforts, both as volunteers and as contributors, is absolutely essential.

Sanctuary Case Resolution

A small group of committed people would help the person in sanctuary develop a strategy for being allowed to stay in Canada. In the past, tactics have included intense lobbying and liaising with officials from Immigration and Border Services, public education campaigns, letter writing and media releases. Although the strategy might eventually involve publicizing the case, we have been advised that initially at least, a quieter negotiation with the government would be the best course of action. Ideally, this group will include Matthew Behrens of the Anne Frank Sanctuary Committee and a lawyer handling the guest’s case pro-bono. The work of this group would continue throughout the sanctuary period.

Benefits

In previous cases, the decision to offer sanctuary has generally been made very quickly, without much process, and sometimes has been controversial. One minister from another religious community

reported losing a number of members. However, the Ottawa congregation lost one member and gained twenty. The North Hatley congregation reported that the church received many offers of local support, including complementary services, groceries and meals, and that activities were shared by members of the congregation and the larger community.

Although much is required of congregations providing sanctuary, those who have done this elsewhere have indicated that the benefits to the congregation far surpass the costs. Some of you may think back to the feeling of shared commitment and excitement we felt when Sunderland Hall became a repository for relief supplies after Hurricane Mitch in 1998, or the sense of congregational participation in our Habitat for Humanity build. These projects, like Out of the Cold, the Central American Project, or the continuing work of Amnesty International move us out of our “comfort zones” into interaction with the larger community. We expect that if the congregation approves the offering of sanctuary in principle and later decides to take someone into sanctuary, that this will have the same result and will make our commitment to social justice “deeds, not creeds”.

Conclusion

This short report has outlined the findings of the Sanctuary Task Force. It has also summarized the work that lies ahead if the congregation votes to authorize the Board of Trustees to, at some future date, agree to host an individual who meets the criteria of the UN Convention on Refugees - someone who has a well-founded fear of being persecuted for reasons of race, religion and nationality, membership of a particular social group or political opinion. (See motion appended to this report).

This vote will be taken at a congregational meeting in the fall, after two discussion sessions that will be held after Sunday services in the coming months (the first on June 21). The upcoming decision involves approval of sanctuary in principle, and does not involve a specific refugee claimant. The Task Force recommends that this vote be carried by at least 75% of voting members present. If/when this goes forward, and our congregation is in the future approached to offer sanctuary to a refugee claimant, that decision would have to be made relatively quickly, and with a high degree of confidentiality to ensure the safety of the person involved.

What we trust you will do, in deliberating over this important policy decision, is to consider the costs and benefits of offering sanctuary, how it matches our stated Unitarian values and puts them into action, and what you personally would be willing to contribute to the effort.

Sanctuary Task Force
First Unitarian Congregation of Toronto

Margaret Rao (Chair)
Brendan Bailey
Ellen Campbell
Janice Tait
Judy Clarke
Kathlene Willing
Steve Watson

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3. Sanctuary for Refugees? A Guide for congregations. PDF: 30 pp/188 KB. United Church of Canada.
4. Sanctuary, Sovereignty, Sacrifice: Canadian Sanctuary Incidents, Power, and Law. Randy Lippert. 2005. UBC Press, Vancouver, Toronto.
5. Sanctuary Case Study (North Hatley, Quebec)
<http://cs.ubishops.ca/ljensen/uucnh/ucwcasestudy04.html>
6. Sanctuary Case Study (Ottawa, Ontario) <http://www.uuottawa.com/sanctuary/index.shtml>
7. Interfaith Sanctuary Coalition (website somewhat out-of-date, but with some good resources)<http://www.exponenciel.com/sanctuary/en/card.htm>
8. Canadian Council for Refugees. <http://www.ccrweb.ca/eng/links.htm#ON>
9. Immigration and Protection Act, Government of Canada, 2002

FAQ

1. There are so many people seeking refugee status these days – how would we know that the person’s claim is legitimate? The request for us to offer sanctuary would come from one of the organisations that has been working in this area for some time. The Anne Frank Sanctuary Committee of Toronto screens people requesting assistance, determining as carefully as possible that the claim is well-founded and meets the criteria as a refugee. They would work with us as partners, securing legal assistance for the refugee, and, when necessary, raising money to support the costs of sanctuary.

Also, we would follow the guidelines of the CUC’s Sanctuary Guidelines, which advise congregations to ask the following questions prior to accepting the person into sanctuary: (1) Is the request one of last resort? (2) Has the requester provided the Board with access to third party information (e.g. from his/her lawyer) re the circumstances both supporting and necessitating his/her request? (3) Has the requester given permission to Immigration Canada to release its view of the situation to the Board or is he/she willing to do so? (4) Is the situation one where the personal safety of the requester or their family is quite likely in jeopardy if the deportation order is carried out? (5) Is there good reason to believe that Immigration Canada or its adjudication boards have erred either in fact or in process relative to reasonable standards of natural justice and that this has led to or is leading to a decision which is in violation of the UUA Principles?

2. Do we know if any other Unitarian congregations have done this before? In 1993, the Unitarian Church of Calgary was the first Unitarian congregation in Canada to shelter someone. The church in North Hatley provided shelter to a Columbian father and daughter in 2003. The First Unitarian Congregation of Ottawa opened its doors to Samsu Mia between 2003-4, and to Shree Kumar Rai in 2007. In 2005, the CUC Board endorsed the right of CUC member congregations to offer sanctuary to individuals and families in recognizable danger of persecution.

3. Is it legal to take someone into sanctuary? Could members of the congregation be charged? Since 1984 there have been forty cases of sanctuary in Canada, and the police have never entered a church. No church member or representative has been charged. The CUC (2005) notes that sanctuary had “no status in law, although it has a substantial moral claim based on religious history”.

4. What would happen if our guest fell ill (or has a toothache) and needs to see a health care practitioner? We would seek to find a doctor, dentist or nurse practitioner from within our congregation’s membership or on members’ recommendation. The Anne Frank Sanctuary Committee has also offered to bring in a nurse practitioner, if required.

5. What would happen in the case of an emergency? In previous sanctuary situations, it has sometimes happened that a guest has needed emergency room treatment. In such cases, the hospital health care staff have abided by the ‘Don’t Ask, Don’t Tell’ policy as to the question of one’s legal status. Even in the one known case of Immigration Canada being apprised of the situation, there was no interference on the part of the federal government.

6. Do we have appropriate guest room space? There is a room on the third floor that appears appropriate, in that it could be adapted to house the guest, and a shower could be installed in the adjoining space.

7. Is it likely that the guest’s refugee claim will eventually be settled successfully? What happens if it isn’t? Of the 36 cases described in the 2005 book by Randy Lippert, there were 30 in which the outcomes were clear and documented. Nine of these were unsuccessful, in that the person or persons

left sanctuary to be deported, or to illegally enter the US or another nation to live. However, in the other 21 cases (70% of total) the eventual result was long-term legal status for the persons involved. The more recent cases that we have heard of have also yielded successful outcomes.

8. What financial costs may be incurred? One-time costs are estimated as follows: purchasing/installing the shower approximately \$3,000; contingencies such as winter clothing, unexpected expenses \$500. On-going monthly costs are estimated at \$350-400 for food and personal necessities, \$20 for phone card. This total for the on-going costs comes to about \$5000 per year.

9. Would donations be tax-deductible? Refugee support is and has been part of the ministry of this congregation. Donations in support of the sanctuary program would be part of the Refugee Fund, and thus tax-deductible.

10. Does our insurance cover someone living in the building? Our insurance policy states that our coverage includes “General Liability coverage for your sponsored ministries, activities and events on and away from your premises.” As mentioned previously, refugee support is part of our social action ministry, and thus we believe that it is covered. Prior to the upcoming information meetings, however, we will seek an independent legal opinion on this.

11. What security measures would we need to have in place? The doors would be locked during the week, as usual. The guest would be provided with a cell phone, and would have the phone numbers of individuals living within 10 minutes of the church, who had agreed to be contacts in case of emergency. Depending on the situation, we might want to have someone stay on the premises overnight with the guest in the short term. Once the guest was comfortable, they would likely be able to stay on their own.

12. Would any help be available from outside of the church? The Anne Frank Sanctuary Committee (AFSC) would work with us on planning, and would offer some financial support. The AFSC is an interfaith group of concerned congregations. It works closely with a small group of refugee lawyers, and with Romero House, a drop-in centre and Christian community providing housing for political refugees. Also, in several other sanctuary situations that we have learned about, members of the community have lent support to those in sanctuary and those providing sanctuary. It’s also possible that other congregations would contribute money and/or time.

13. What is the congregation being asked to do? After two information/discussion sessions on the issue of approving sanctuary in principle, a Congregational Meeting will be held and the members of First will vote on this. The motion that will be put before the congregation is attached to this report. People who wish to may also make written submissions to the task force. The first discussion will be held after the service on June 21. Tentative dates for the other two meetings are: September 13 (second Information/Discussion Meeting) and 29 (Congregational Meeting).

The Motion to be put before the First Unitarian Congregation of Toronto at Congregational Meeting in 2009

Whereas Canada is a signatory to the 1951 UN Convention Relating to the Status of Refugees and the 1967 Protocol Relative To The Status Of Refugees, and

Whereas the Immigration and Refugee Protection Act formerly mandated three refugee board judges, but now only one makes the decision on the admissibility of a refugee, and

Whereas the government has failed to establish an appeal procedure for refugees who have been denied refugee status and ordered deported, as was called for in the Immigration and Protection Act of 2002, and

Whereas many refugees may be, if deported, in danger of imprisonment, torture and sometimes death upon return to their home countries, and

Whereas some Canadian churches have offered sanctuary to such refugees until their cases can be assessed under the Pre-Removal Risk Assessment or referred to the Minister for consideration under humanitarian grounds, and

Whereas refugee support has been part of our ministry to the wider community in the past, and we see this as a continuation of this commitment,

Therefore be it resolved that in the event that First Unitarian Congregation is approached to offer sanctuary to a refugee claimant, the Board is authorised to agree to host an individual who meets the criteria of the UN Convention on Refugees.

The Board is further authorised to make such alterations to the building as to make it habitable for such a person to live there for a prolonged period (e.g. install a shower on the third floor).

The Board is further authorised, in the event of our offering sanctuary, to establish a Steering Committee to be responsible for the management of the sanctuary process, including political action, work with legal representatives, fund-raising and day-to-day support.

In addition, the Board is authorised to set up a fund to receive donations in support of the expenses of sanctuary and funds to be raised by the Steering Committee.

ADDENDUM TO SANCTUARY REPORT

In discussions on the provision of sanctuary for a refugee, several members have raised concerns about how this might affect our insurance. In surveying other churches and congregations which have provided sanctuary, we found that most of them had not spoken to their insurance brokers. They felt that the risk to the institution was less than the risk to the individual, who, if deported to his/her country of origin, was in danger of imprisonment, torture, or even death. However, the questions remained a concern for us.

On September 3, I spoke to Ken Hall, a principal with our insurance broker, Robertson Hall. I told him we were contemplating taking a Convention Refugee into sanctuary, on a theoretical basis—we do not at this time have a specific case in mind. He said that on a practical level this is not a high-risk activity. Some churches provide shelters (e.g. Out of the Cold), as an activity in their insurance policies, so having people sleeping in the building is quite insurable. There is a legal issue, however, which has nothing to do with insurance.

Our policy with the insurance company is a contract which is only enforceable if a claim or suit that arises is not the result of our breaking a law. If a civil action were to arise in a situation where we were breaking the law or obstructing justice, it would not be covered. For the most part, criminal charges are only directed at individuals, but in some instances they can be directed at companies or organisations. If a civil or criminal charge arose over a matter related to sanctuary, it would not be covered.

We discussed some hypothetical instances. In the worst case scenario, if the individual taken into sanctuary committed a crime while on our premises—injured or robbed someone in the building, for example, and the injured person sued us, we would not be covered. (The person in sanctuary, of course, would be arrested for the crime.) If the person in sanctuary were careless and started a fire in the kitchen, we would not be covered. On the other hand, if we had someone in sanctuary, and a passer-by slipped on the ice outside the building, or there was an electrical fire in the building, we would be covered, since it would not be related to the provision of sanctuary.

What this means is that we would need to be very careful in ensuring that the person we were taking into sanctuary was someone who was trustworthy and responsible. (This has been part of our thinking all along; we would expect to receive full particulars on the individual along with the request for sanctuary.) We would need to "self-insure"—that is, take upon ourselves as a congregation any risk arising from the provision of sanctuary itself. But we would not be in danger of losing our insurance for unrelated occurrences.

Ken commented that there is no case law to guide decisions in this area. What this means is that, in the forty or so cases where churches have provided sanctuary, there have been no suits, and no major claims.

Ellen Campbell