



Help for Immigrant Families

Guidance for Schools

As a trusted institution in immigrant families' lives, schools can play a critical role in ensuring immigrant families have access to important information and resources during these turbulent and scary times.

What Can Schools Do to Help?

➡ Reassure students and families

All children in the United States have a right to a free public education regardless of their race, ethnic background, religion, or sex, or whether they can speak English or are rich or poor, citizen or non-citizen. All children, including undocumented immigrants have the right to go to public school. Some families may not know this, so let all students and families know they are welcome and have rights.

➡ Encourage families to find out about their immigration options

Many immigrant families are “mixed status” meaning there may be U.S. citizens, lawful permanent residents (green card holders) and undocumented family members all in the same family. The protections available and options to obtain immigration status will vary among families and among family members. EVERY undocumented immigrant should get an immigration “checkup” at this point to find out what protections and options they may benefit from.

- Families can find immigration legal help on the Immigration Advocates Network’s national directory of more than 950 free or low-cost nonprofit immigration legal services providers in all 50 states. The searchable directory can be found online at <https://www.immigrationlawhelp.org>.
- In California, families can also look for a community education event or legal services workshop through Ready California, a statewide collaborative of service providers. The website is <http://ready-california.org>.
- Families should be educated about how to seek competent immigration help and warned of fraudulent service providers who will take advantage of immigrant families. The ILRC has created community education flyers about this available in English and Spanish available online at <https://www.ilrc.org/anti-fraud-flyers>.

➡ Encourage families to find out about their rights

Immigrant families may not know that **everyone in the United States has rights** even if they have no immigration status. Everyone has the right to refuse to speak with an immigration official until they have a chance to speak with an attorney. They have the right to refuse to open their door for an immigration official unless the official has a warrant from a judge. Go to <https://www.ilrc.org/know-your-rights-and-what-immigrant-families-should-do-now> for more information.

Immigrant families should also know that they have the right to call the police, fire department and other responders for an emergency. Immigrants who are victims of crime should not fear calling the police for help because they lack immigration status. In fact, there is a special immigration visa available to survivors of crimes who help with a criminal investigation.

➡ Encourage families to prepare

Encourage families to follow the news to see what new policies develop and to assess which ones may most affect them.

Without creating panic, it is important that immigrant families prepare for the potentially harsh new immigration policies. Mixed status families, in particular, are vulnerable to being separated if family members are undocumented. Parents should know that if they have not been deported before, they have a right to hearing before a judge. They cannot be deported without a hearing. Nonetheless, they should have child care and an emergency plan in place if the parents are taken into immigration custody.

Make sure all families keep their emergency contacts up to date so their wishes regarding the care of their children may be carried out if the parent is detained or deported. The ILRC has a family preparedness plan that can help. Go to <https://www.ilrc.org/family-preparedness-plan>.

➡ Host community events at schools

In California, you can partner with Ready California, a collaborative of nonprofit community education, outreach and legal services partners throughout the state, and others such as California Department of Social Services (CDSS) Immigration Branch nonprofit contractors to provide community education, outreach and legal services at schools. Ready California partners can be found at www.ready-california.org and CDSS contractors can be found at <http://tinyurl.com/CDSSimmigration>.

Undocumented immigrants may be hesitant or fearful to come to a public event intended only for immigrants without legal status. Therefore, make sure the event is welcoming to *all* families who are interested in immigration updates. U.S. citizen families may attend to educate themselves and pass on information to their immigrant friends and neighbors.

Case Studies: Outreach and Legal Services in LA Schools

In Los Angeles, nonprofits provided basic information on immigration benefits which youth-immigration ambassadors could share in classrooms, with parents, and in other school settings. They also collaborated with a school district board member to provide application assistance and information sessions at school sites in

the district. The board member and his staff were able to provide the logistical support needed to conduct effective events, so that the nonprofit could focus on providing legal services. Having access to these trusted spaces allowed for effective free legal services for families.

➡ Make resources and information available

Materials you can share with immigrant families include:

- Know Your Rights flyers & red cards (<https://www.ilrc.org/red-cards>)
- Legal services referrals (<https://www.immigrationlawhelp.org>)
- Anti-fraud brochures (<https://www.ilrc.org/anti-fraud-flyers>)
- Family preparedness toolkits (<https://www.ilrc.org/family-preparedness-plan>)
- Immigration options flyers (<https://www.ilrc.org/immigration-options-undocumented-immigrant-children>)

Make it easy for families to access this information without having to expose or identify themselves as immigrants. Consider sharing information through methods that reach everyone at your school:

- Through robo-calls or robo-texts
- Through regular mailings or emails sent to all families
- In-language according to the at-home language of choice identified by the family

➡ Make schools safe spaces from immigration enforcement

Immigrant families will keep their children home from school if they fear an immigration raid or other enforcement activity could take place there. Reassure parents that the school has policies in place to protect children and families.

Although it's unlikely to happen, develop a protocol for what to do if ICE shows up at your school. **Make sure that school staff know that ICE does not have a right to enter the parts of your school that aren't open to the public or access private student records without a warrant signed by a judge.** State and federal laws prohibit educational agencies from disclosing personally identifiable student information to law enforcement without the parent's or guardian's consent, a court order or lawful subpoena, or in the case of a health emergency.

Be careful about the data you collect. Although many schools and districts need to collect data about a student's age and residency, you can be flexible about the documents you will accept – so as to **avoid collecting or maintaining documents related to students' immigration status.** For example, instead of collecting a foreign birth certificate to determine age, consider a statement from a local registrar, local baptismal records, or an affidavit from a parent, guardian or custodian. For residency, consider accepting local property tax receipts, pay stubs, correspondence from a government agency or other documents.

According to the Department of Homeland Security's longstanding policy, enforcement actions by immigration officials such as ICE or border patrol to apprehend, arrest, interview, or search an individual, or to surveil an individual for enforcement purposes should not take place at sensitive locations such as schools. This includes licensed daycares, pre-schools and other early learning programs; primary schools; secondary schools; post-secondary schools up to and including colleges and universities; as well as scholastic or education-related activities or events, and school bus stops that are marked and/or known to the officer, during periods when school children are present at the stop.

Immigration enforcement actions may only take place at a school when (a) prior approval is obtained from an appropriate supervisory official, or (b) there are exigent circumstances necessitating immediate action without supervisor approval. Therefore, absent highly unusual circumstances, under current policy immigrant families should not fear encountering immigration officials engaging in raids at schools.

For more information see:

<https://www.ice.gov/ero/enforcement/sensitive-loc>

Case Study: SFUSD's Policy Restricting ICE Access

San Francisco Unified School District (SFUSD) instituted a policy to restrict ICE access to SFUSD schools and to require a thorough review process for any ICE access request. The school district's general policy is to not to allow any individual or organization to enter a school site if the educational setting

would be disrupted by that visit. The School Board found that the presence of ICE was likely to lead to a disruption. Therefore, any request by ICE to visit a school site should be forwarded to the Superintendent's Office for review before a decision is made to allow access to the site. Similarly, all requests for documents by ICE should be forwarded to the Legal Office which in consultation with the Superintendent shall determine if the documents can be released to ICE. <http://www.sfusd.edu/en/news/current-news/2016-news-archive/01/4751.html>

➔ Ensure school disciplinary policies don't make students vulnerable to immigration enforcement

Any contact with the criminal justice system is extremely dangerous to all immigrants at this time. Even on school campuses, any interaction with any type of law enforcement agency can and often does result in a student being detained by ICE. School disciplinary policies that involve local law enforcement often result in a student being exposed to ICE. Conversely, school policies that don't involve local law enforcement will better protect immigrant students from being detained or deported. Look to implement school disciplinary policies that don't put students in the school to prison pipeline.

For information on school-wide positive behavioral interventions and supports, check out Fix School Discipline at <http://www.fixschooldiscipline.org/pbis/>.