

# **How Afterschool Programs Can Support their Immigrant Students, Families, and Community**

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**KNOW YOUR RIGHTS**

Everyone who lives  
in the U.S. has  
legal rights,  
regardless of  
immigration status



# TWO IMMIGRATION ENFORCEMENT AGENCIES

- **Immigration and Customs Enforcement (“ICE”)**
  - Mostly within the interior
- **Customs and Border Protection (“CBP”)**
  - Mostly within 100 miles of the borders



**You have the right to ask the officer whether or not you are arrested.**

**1. If the officer says, “NO, you are not arrested,” ask the officer if you can leave.**

- If the officer says you can leave, walk away slowly and calmly.
- If you run, it may give the officer reasonable suspicion to arrest you.

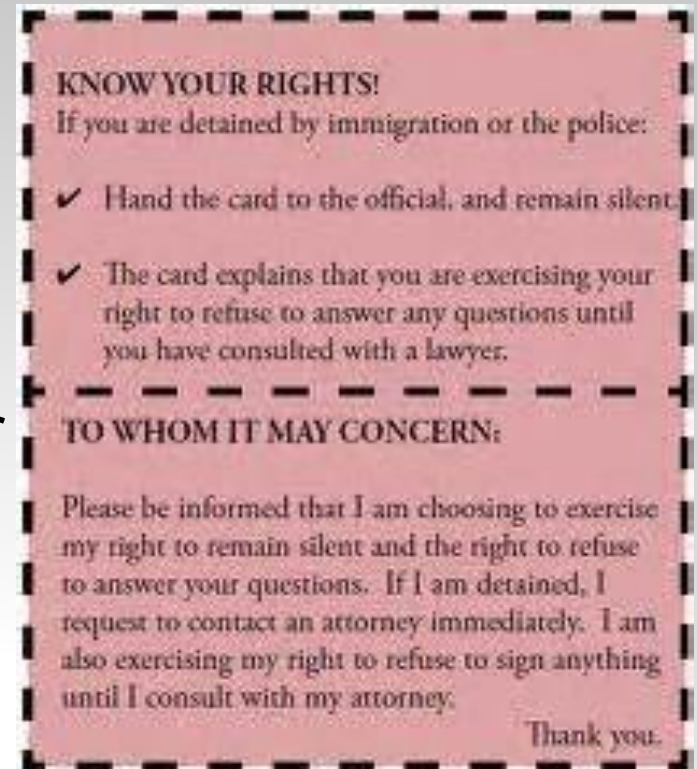


**2. If the officer says,  
“YES, you are arrested,  
your rights protect you.**

**YOU HAVE THE  
RIGHT TO  
REMAIN  
SILENT!**



- You do not have to answer questions about your legal status, where you were born, or how you came to the U.S.
- You can tell the officer that you have the “right to remain silent” or just hand over your know-your-rights card.
- In some states, you have to give your name if the officer asks.
- **NEVER** give false information or lie.





# RIGHT TO AN ATTORNEY

- You have the right to talk to a lawyer before you answer questions.
- You can tell the officer that you want to talk to your lawyer first or show your know your rights card





# DON'T SIGN DOCUMENTS

- You do not have to sign papers that you do not understand. Wait until you talk to a lawyer.
- Do not let someone scare you into signing papers.
- By signing something, you are saying that you read and understand the document and agree with what it says.



# IF YOU ARE NOT A CITIZEN:

- If you have valid immigration documents, show them. Always carry these with you.
- DO NOT carry papers from another country. (If you have these, they can be used against you in the deportation process.)



# **OTHER DOCUMENTS TO GATHER AND CARRY**

**If possible, carry evidence of at least 2 years of presence in the U.S.**

- e.g. paystubs, utility bills, school transcripts, vaccination records**

**This is to protect against Expedited Removal – ER is the ability to remove someone without immigration court proceedings, previously only used at/near border, but policy now expanded to the interior U.S.**

**NOTE: have not seen this used yet.**

# **RAIDS DEFENSE & SAFETY PLANS**

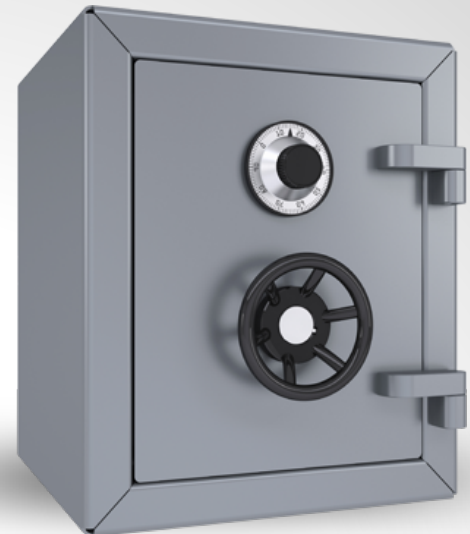
# BE PREPARED FOR A RAID OR ARREST

## Have an emergency plan:

- Phone numbers you can call if detained (MEMORIZED!)
- Name and phone number of an attorney
- Someone who can take care of your children or family members you care for (consider a caregiver authorization or power of attorney)
- Store your important documents together in one safe place at home, and tell your family members where that place is.

# SAFETY PLANS

- **Arrange for your medical needs.**
  - Have medical information, including medications, dosages, and doctor's contact information, on hand and in a safe place.
- **Organize important documents in a safe place; make copies and make them accessible to a trusted person.**
- **Keep your Alien Registration Number (A-number) and birthdate, in a place accessible by family members should they need to locate you.**



# COMMUNITY PREPARATION

- Know Your Rights!
- Community self defense
  - Create a network of friends, family, neighbors, etc.
  - Could include text tree, phone tree, noisemakers, banners, videographers, photographers, legal observers, etc.
  - Phoenix, AZ: “barrio defense committees” created to be ready to protest or take action if ICE arrived



**CDBs**  
**(Barrio Defense**  
**Commitees)**



# BEST PRACTICES DURING A RAID

**For those who want to avoid ICE questioning (and especially those who are enforcement priorities):**

- Stay clear of the location where the detained individuals are held, or where the raid occurred.

**If ICE violates your rights, politely state that you do not consent or agree to what is being done, and try to document the agent's name and badge number (or have others do so).**



Badge number

# REPORT RAIDS

- Call your local Raids Response Hotline to report a raid.
  - E.g., Los Angeles: CHIRLA's Rapid Response hotline: 1-888-6CHIRLA (1-888-624-4752).
- Send text messages to United We Dream at **877877**.
- If it's possible, take photos and videos, and also take notes on what happened during the raid.



# BEST PRACTICES WHILE DETAINED

**If transported to a detention facility and interviewed, continue to exercise the right remain silent and/or request to speak with a lawyer.**

- No lawyer is provided at government expense.

**Refuse to say anything about your immigration status or where you were born.**

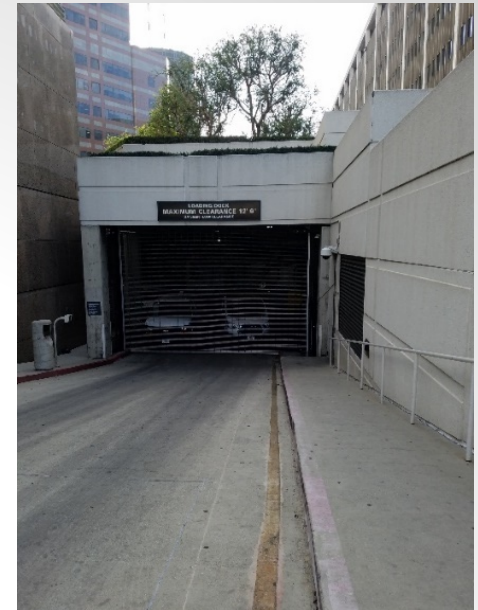
- In too many cases, people admit they are undocumented, which ICE can use to prove that you are removable.

**Use the phone provided by ICE to call your emergency contacts (family members, attorney, etc.).**



# BEST PRACTICES WHILE DETAINED

- Use ICE's online detainee locator to find an adult who is in immigration custody – <https://locator.ice.gov/odls/homePage.do>
- If you can't find a person using the online locator, call the local ICE office - <https://www.ice.gov/contact/ero>



# CARING FOR CHILDREN

**Have a plan for where your children will go if you are detained – put together a family preparedness plan**

**Consult with local agencies about forms that person might need to temporarily care for your child. (This is very state law specific.)**

**Make sure you have talked to your children and potential caregiver about the plan.**

**Make sure all phone numbers are on all emergencies cards at your child's school, day care or after school program.**

# RESOURCES

**For free or low-cost immigration help:**

- <https://www.immigrationadvocates.org/>
- <https://www.ailalawyer.com>

## **Other Resources**

- <https://www.aclunc.org/our-work/know-your-rights/know-your-rights-if-ice-confronts-you>
- <https://www.nilc.org/resources/todos-tienen-derechos-basicos/>
- <https://www.immigrantdefenseproject.org/know-your-rights-with-ice/>
- <https://www.ilrc.org/resources/step-step-family-preparedness-plan>



**SAFE ZONE OR “SANCTUARY”**





**1. COMPONENTS OF  
SANCTUARY POLICIES**

**2. HOW TO ENCOURAGE  
YOUR PROGRAM TO  
ADOPT A RESOLUTION**

# SENSITIVE LOCATIONS - UPDATE

Special protections no longer exist for sensitive locations, such as schools, hospitals, place of worship, etc.

- Prior policy that established protections rescinded
- Need to rely on KYR practices outlined above



# STUDENT PRIVACY

## The Family Educational Rights and Privacy Act (FERPA)

- School cannot disclose personally identifiable information in student “education records.”
  - Exceptions: consent, court order, or subpoena
- District can disclose “directory information” (including place of birth) without consent unless parents have **opted out**.
- There may also be state privacy laws that are more protective.

# **POLICY COMPONENT: PROTECTING RECORDS**



- **Afterschool program & educators do not include immigration status in education records**
- **Afterschool program does not inquire about a student or family member's immigration status**
- **District does not include place of birth in directory information**
- **No communication with ICE about a student's immigration status**
- **Parents know they can opt out of directory information disclosure**
- **District/school does not release data without subpoena and legal advice**

# POLICY COMPONENT:

## RESTRICTING ICE ACCESS

- **Establish process** for law enforcement and other visitors to request access to school site and any non-public areas of other type of campus
- **Ask** for agent's credentials, why access is requested, and to see a warrant; **refer** to Superintendent, General Counsel, or other designated staff
- **Review warrant** to determine if:
  - It's signed by a judge or magistrate (vs. DHS) within the last 14 days
  - specifies address of premises to be searched
  - is executed during designated date/time range, if any
- **Observe & record** any actions, object if exceeds those authorized by the warrant; take notes, photos, or videos.



# POLICY COMPONENT:

## CAMPUS SECURITY

- **Campus security can help create a safe environment** for students, educators, staff, and parents. Ensure everyone feels comfortable approaching and working with campus security.
- **Prohibit from inquiring about or recording any information regarding an individual's immigration status.**
- **Should not make inferences** about a person's status, e.g. based on race, ethnicity, or driver's license.
- **Shall not participate in immigration enforcement efforts.** Can help ensure that all procedures are implemented properly.

# **POLICY COMPONENT: PROVIDING RESOURCES AND INFORMATION**

- **Support for undocumented, DACAmented and Muslim students**
- **Create resource and info centers**
- **Pay for legal representation of students and family members facing deportation**
- **Create rapid response plan for afterschool program should immigration agents arrive and/or detain a student's parents**





# SAFE PROGRAM POLICIES: LIMITS AND RISKS?

- **Current administration** threatens to deny funding to states/ cities/ counties that violate federal law, prevent or hinder federal immigration enforcement.
- **Cities argue:** Executive lacks this authority; any conditions must be related to purpose of funding; and federal government cannot coerce localities into enforcing federal immigration laws.
- **School programs** can create a safe environment for students, but cannot guarantee blanket protection from DHS or ICE enforcement activities.
- **Safe school policies** are grounded in a state's power and obligation to provide access to education, and are fully consistent with federal law.

# WHAT EDUCATORS CAN DO

- **Create afterschool program where all students feel supported** – teach lessons that tear down stereotypes and promote inclusivity and empathy.
- **Make sure students know their rights** – let all students and their parents know where they can find information on their legal rights. Distribute “know your rights” materials.
- **Maintain a list of resources** including local immigrants’ rights organizations, pro bono attorneys, and social workers to share with students and parents
- **Become an ally** who stands in solidarity with students and their families
- Support a safe schools resolution and policy

# ENCOURAGE YOUR PROGRAM TO ADOPT A POLICY

- Present resolutions at Board of Education meetings that are tailored to include after school programs, and provide testimony to declare all afterschool programs in the district as safe spaces.
- Get involved by providing comments, having alumni, students, and supportive faculty also provide comments.

# ENCOURAGE YOUR PROGRAM TO ADOPT A POLICY

- ***Talking Points:***
  - Students must feel safe to be able to learn.
  - Teachers cannot fulfill their mission of educating if students are distracted by fear.
  - We are all connected.
  - The school/district can and must commit material and psychological support for its students to thrive.
  - Students have constitutional rights and the school should ensure any agency coming onto campus abides by constitutional rules.
  - A safe zone resolution will ensure consistent responses on campus to immigration agents.

# MODEL RESOLUTION

- **Model Campus Safe Zones Resolution Language (K–12) -**  
<https://www.nilc.org/wp-content/uploads/2016/12/Model-Campus-Safe-Zone-Resolution-Colleges-2016-12.pdf>

# IMMIGRANTS RISING QUICK GUIDE FOR EDUCATORS

- **“Understanding the Sanctuary School and Safe Zone Movement”:**  
[https://immigrantsrising.org/wp-content/uploads/Immigrants-Rising\\_Understanding-the-Sanctuary-School-and-Safe-Zone-Movement.pdf](https://immigrantsrising.org/wp-content/uploads/Immigrants-Rising_Understanding-the-Sanctuary-School-and-Safe-Zone-Movement.pdf)