

Addressing Questions About Immigration Enforcement and Policy

You don't want to give false promises, but you also don't want families to feel abandoned. That is where letting kids and families know that you are a consistent member of their world can really help.

– Mark Gaither, Principal of Wolfe Street Academy, Baltimore, Maryland, (Personal communication, February 24, 2017)

Key Takeaways

- Immigration enforcement agents have been instructed to avoid activity at certain kinds of educational settings. These "sensitive locations" guidelines remain in effect, although some enforcement activity near schools has occurred. Leaders should stay current with these policies.
- Districts can develop policies, protocols, and training procedures to help employees respond to families' questions, protect students' civil and privacy rights, and increase the chances of children going home with a known caregiver in the event of a family member being detained.



See this information online

Addressing Questions About Immigration Enforcement and Policy

- View online: <http://www.colorincolorado.org/immigration/guide/policy>
- Download PDF: <http://www.colorincolorado.org/immigration/guide/policy-pdf>

Complete guide: <http://www.colorincolorado.org/immigration/guide>

Excerpted from *How to Support Immigrant Students and Families*.

Overview

Students, families, and staff members have questions about immigration enforcement in schools and early childhood settings. Possible scenarios that come up range from a request for information to an agent entering a school building for the purposes of detaining someone (the latter could possibly happen but is not currently done under federal policy, as explained in the following information about “sensitive locations”). Here are some steps schools can take to address these questions. For a quick snapshot, see this helpful infographic on [Responding to Immigration Enforcement Issues](#) from the Association of California School Administrators.

Note: Additional information related to [early childhood settings is included in our section on young children in immigrant families](#).

How do these concerns impact schools?

Concerns about immigration enforcement can impact student attendance, participation in activities, and parental engagement in both K-12 and early childhood settings if families are afraid to go to school/day care or to the grocery store, park, or library; they stop family outings; they do things in a hurry; they are late to school because they take different routes each day; or they are afraid to come into the school.

Schools and early childhood settings are “sensitive locations.” What does that mean?

As of this writing, the Department of Homeland Security still recognizes “sensitive locations” where immigration enforcement should not take place without certain prior approvals and “exigent” (pressing) circumstances requiring immediate action. These include schools, bus stops, and other educational sites such as college campuses and [preschools](#); houses of worship; and medical facilities. So far, there has been [no indication that that policy will change](#), although there have been cases of detentions happening very near sensitive locations, including schools, bus stops, churches, and hospitals. In addition, the 2017 case of [Rosa Maria Hernandez](#), a 10-year-old with cerebral palsy who was detained for more than week following gallbladder surgery, raised the level of scrutiny on the “sensitive locations” policy.

Note: The “sensitive locations” guidance is just that – guidance – and not codified into law; it could change at any point. The guidance also has certain limitations, which is why school and district leaders should become familiar with other related local/state laws and should stay current on this topic.



Review “sensitive locations” guidance

Why this matters

It is important for school and district leaders, as well as early childhood providers, to understand the policies and guidelines that impact their settings so that they can (a) communicate them to staff and families, (b) answer questions, and (c) seek guidance if they have questions or concerns. This [article from the Center for Law and Social Policy \(CLASP\)](#) shares its findings that many early childhood providers were not familiar with sensitive locations guidance and as a result, could not answer families’ questions accurately.

Tips for getting started

- Review sensitive locations guidance and share it with staff and families.
- Ask district/immigration attorneys for clarification as needed.
- Identify sources for updates should any of these policies change.

Recommended resources

- [Fact Sheet for Families and School Staff: Limitations on DHS Immigration Enforcement Actions at Sensitive Locations](#) (U.S. Department of Education and U.S. Department of Justice, posted on Colorín Colorado)
- [Keeping Immigrant Families Safe in Early Childhood Programs](#) (CLASP)
- [In-depth information: Sensitive Locations Memo](#) and [Immigration Warrants](#) (National Immigration Law Center)

Teacher voices

This issue was on the minds of our survey participants. Here are two of their responses:

I met with administrators to share tips for staff members and advise them of legalities concerning immigration coming on school grounds.

We reach out (to families) on a personal level, and that seems to help. But I think it would be better if there was an official district statement of support and clarification about how things will be handled if immigration officers arrive at the school or seek information on students or families.

Review and update current district/program policies regarding immigration enforcement

Why this matters

Many school districts have put policies in place to address questions about immigration enforcement. Even so, educators and families in these districts may have questions about existing or new policies. If your district has such a policy, it is important to be familiar with it and “sensitive locations” guidance in order to:

- answer parent questions accurately
- share relevant procedures with staff districtwide, especially with front-office staff
- respond appropriately to any requests for information by immigration enforcement.

Education Week notes that, “The policies in most districts affirm that schools will do everything within their legal power to protect student privacy, including barring the release of information about immigration status unless there is parental consent, or if federal agents produce a warrant, subpoena, or similar court order.”

Note: The California School Boards Association shares the following reminder: “School leaders should review with legal counsel any request for student information submitted by Immigration and Customs Enforcement” (p. 4).

Tips for getting started

To ensure that all staff have the most up-to-date information about these policies, first find out whether such a policy exists in your district or program.

If there is a policy related to immigration enforcement in place:

- Check the policy regarding cooperation with law enforcement and immigration officials; many districts have tightened these restrictions or clarified the language regarding immigration enforcement on school grounds and requests for information.
- Review and update these policies with district lawyers and immigration organizations as needed.
- Share these policies with staff and families.
- Ask for clarification in the policies where it is needed.



If your district has no policy regarding immigration enforcement in place:

- Look at examples of these kinds of policies, such as this [sample protocol](#).
- Talk with school or district leaders about steps needed to establish a school-wide protocol if immigration enforcement agents come to the school.
- Share examples of other districts' policies.
- Consult with immigration attorneys and school district attorneys as needed.

Educators and staff should also review district discipline policies to better understand how they may [impact immigrant students](#).

It is important to keep in mind that:

- educators should not give legal advice about what any specific family should do, other than to refer them to “know your rights” information or to consult an attorney
- any educator or staff member may be asked about immigration enforcement by a student or family
- educators working directly with immigrant families may be well-informed about these issues based on independent research and experience.

Recommended resources

School district guidance

- [Sacramento City Unified School District](#)

Guides

- [Responding to Law Enforcement Activities on School Grounds](#) (Stanford Law School and the California Charter Schools Association)
- [Undocumented Students and Families: The Facts](#) – also available [in Spanish](#) (The Association of California School Administrators)
- [Responding to Requests for Access to School Grounds for Immigration-Enforcement Purposes](#) (Office of the California Attorney General)
- [Position Paper on Undocumented Students: Recommendations for School Leaders](#) (National Association of Secondary School Principals)
- [Immigration Enforcement and Access on School Grounds](#) (Informed Immigrants)



Virginia state superintendent memo on immigration

This state [memo](#) answers the following questions:

- What legal responsibilities do division [district] superintendents have in reference to federal executive actions concerning immigration that may impact students enrolled in local school divisions?
- What legal responsibility do districts have towards Immigration and Customs Enforcement (ICE) officials on this issue?
- What are the legal obligations of districts towards students in the case that their parents are taken into custody or deportation proceedings and their children are left alone or homeless?
- Do districts have the authority to take action in support of students and their families whose fears of deportation are heightened?

Articles

- [Creating an Ethic of Community: How School Leaders Make Decisions Related to Immigration Policy](#) (Dr. Emily Crawford-Rossi, University of Missouri)
- [Finding Answers for Our Immigrant Students and Families: An ELL District Leader's Perspective](#) (Kristina Robertson, ELL Program Administrator – Roseville Public Schools, Minnesota)



Help families keep emergency contact information updated

Overview

One of the most important things that schools and early childhood programs can do to support immigrant families is to help keep accurate emergency contact records. It is essential that schools and early childhood programs not only gather emergency contact records for each child but also make it easy for families to update them as needed and provide frequent reminders to do so. Educators who have [experienced immigration raids in their community](#) say that **this is one of the most critical steps** educators can take on behalf of immigrant families.

This step can make a significant difference in the outcome of a family's situation where questions of legal guardianship are at stake. Children of detained parents/guardians can end up in foster care, as seen in [this family's story from NPR](#).

Tips for getting started

How to make it easier for families to update information

- Ask for multiple contacts of trusted adults for each student, as well as for older siblings. Be diligent about collecting this information at the beginning of the school year or when the child enrolls, and explain applicable privacy laws regarding personal information.
- Review your contact forms and procedures from the point of view of ELL/immigrant families. For example, translate emergency contact forms and help immigrant families understand what they are, through an interpreter or parent liaison if necessary.
- Include reminders to update contact information in all school- or district-wide communications and events so that immigrant families do not feel singled out.
- Ensure that families have instructions on how to update their contact information. Confirm that they understand those instructions.
- If updates must be made online, ask parent liaisons to talk with families about:
 - which kinds of information can be updated online
 - how the process works
 - where they can find Internet access (perhaps at school or a public library).
- Even if families are reluctant to share contact information, or seem to be moving frequently, encourage them to keep their information current.



- In the event that parents can't be reached and staff suspect they may have been detained or deported, train staff and administrators to follow all parental instructions and exhaust contact options to find a "[known caretaker in a safe environment](#)" (Stanford Law School & California Charter School Association, 2017, p. 17) in an effort to minimize referrals to child protective services. (See related state legislation addressing this issue in [California's Assembly Bill 699](#), passed in 2017.)
- Share these recommendations with school and district administrators as needed.

See additional information about [making a plan to care for children](#) whose parent may be unavailable, as well as guides that can help prepare families [prepare for separation](#), in our section about legal resources that may be available to immigrant families as they review their situations.

Recommended resources

- [Help Parents and Caretakers Prepare in Case They Are Detained](#) (Stanford Law School and the California Charter School Association)
- [Lessons from Postville: How an Immigration Raid Changed a Small Town and Its Schools](#) (Colorín Colorado)
- [Dozens of Children Stranded at Day Care Centers After an Immigration Raid in Ohio](#) (*The Washington Post*)



Make a plan to care for children whose caregivers are unavailable

Why this matters

Schools and early childhood centers are finding themselves in the unexpected position of caring for children whose parents, caregivers, or guardians have been detained during the day. Having some protocols in place for this situation improves the chance of finding an appropriate, known caregiver for students. The UCLA research team notes that two administrators who responded to their survey reported that they were investigating foster parenting in case they needed to take students home with them (Gándara and Ee, 2018a).

Support for students

Family separation, detention, or deportation can cause intense trauma, stress, [economic hardship](#), and uncertainty for students. Learn more about those impacts as well as how to address them in our sections in this guide on:

- [the impacts of immigration enforcement](#)
- what educators need to know about [anxiety and trauma](#)
- [what it's like to be undocumented](#)
- [how to address social-emotional needs of students](#).

Tips for getting started

Find out if your district/program has a basic protocol for educators to follow if parents, caregivers, or guardians have been detained. If so, review it to see what it entails. If not, consider creating one that includes:

- what employees should do if they suspect a parent has been detained or deported
- whom to contact
- where the child should stay until emergency contacts are reached
- guidance on following all parental instructions and exhausting contact options to find a “known caregiver in a safe environment” (Stanford Law School & California Charter School Association, 2017, p. 17) in an effort to minimize referrals to child protective services
- providing emergency/temporary shelter care as needed
- access to social-emotional support and services



- guidance on working with child protective services should all options be exhausted to ensure the best possible outcomes for the child
- [additional actions to take](#) to protect children whose parents have been arrested, detained, or are otherwise unavailable.

Note: As part of [California’s Assembly Bill 699](#) (2017), schools in California must take appropriate steps to minimize referrals to child protective services if a parent or guardian becomes unavailable due to immigration enforcement action.

Recommended resources

Articles and news items

- [Lessons from Postville: How an Immigration Raid Changed a Small Town and Its Schools](#) (Colorín Colorado)
- [114 Workers Arrested in Immigration Raid at Ohio Gardening Company](#) (*The Washington Post*)

Guides, toolkits, and recommendations

- [Actions to Help Parents and Caretakers Prepare in Case They Are Detained, Arrested, or Otherwise Unavailable](#) (Stanford Law School and the California Charter Schools Association)
- [Responding to the Detention or Deportation of a Student’s Family Member](#) (California Attorney General)
- [Protecting Assets and Child Custody in the Face of Deportation](#) (Appleseed): This bilingual manual contains detailed information on issues ranging from school safety, child custody, psychological issues for children, special considerations for survivors of domestic violence and sexual assault, and financial services and products including credit cards, debit cards, mortgages and rental payments, taxes, veteran benefits, and much more.
- [Caring for students whose parents or caregivers are detained or deported](#) (Informed Immigrants)



Consider creating community outreach partnerships with fire or police departments

Why this matters

You may wish to explore partnerships with local fire or police organizations to build relationships with the community at a time of uncertainty. The Center for Law and Social Policy shares the story of a young child who tried to hide his mother when they saw a police officer for fear that she would be arrested (Cervantes, Ullrich, & Matthews, 2018, p. 10).

In order to build bridges, many schools [are creating partnerships](#) with police community liaisons and/or bringing police officers to the school in informal settings (basketball games, barbecues, family events etc.). You may find that public safety departments are looking for avenues to increase outreach. Working with these partners can strengthen community relationships and **also improve safety** if families feel more confident reporting emergencies or other problems. A teacher shared a story with us about a young girl who met a firefighter at school; she later confided in him that, during a family emergency, she felt more comfortable calling the fire department after having met him than she would have otherwise.

Tips for getting started

- If you would like to try this kind of partnership, first find out which local organizations might be a good fit. Your mayor's or county executive's office might have suggestions about where to start. If you want to explore a partnership with local police departments, work closely with the local police officials to determine their policies regarding immigration enforcement, as well as to establish shared goals and expectations for the partnership.
- If you share common goals and want to try the partnership, be sure to communicate clearly what the goals of the partnership to families are so that they know what to expect and are not surprised to see police officers in an unexpected setting. Seeing a uniformed official at the school may cause families to panic.
- Explore partnerships with local firefighters or park rangers as an alternative or first step.
- Keep in mind that some police departments may be more proactive in cooperating with immigration officials. Remember that school personnel have an obligation to protect [students' rights and privacy](#); there is no "duty" to report undocumented immigrants.

Recommended videos

- [A community partnership with local police officers](#) (Principal Nathaniel Provencio)





Local safety partnerships

Police department partnerships

In [this excerpt from her article](#) on supporting immigrant families, Kristina Robertson writes,

We have a good relationship with our local police force and collaborate regularly with the police community liaison to increase positive connections with our new immigrant community. As stories of raids began to emerge and families contacted school staff regarding their fears, I had a conversation with the police community liaison. He was very interested in helping and we really puzzled about what that might look like given the amount of fear in the community...At this time we decided to keep the conversation open and it's been very helpful to have a connection to check on problems that are reported in the community.

Fire department partnerships

Principal Victor Tam of San Francisco's Edwin and Anita Lee Newcomer Center writes,

We have a connection with our San Francisco Fire Department. It initiated with informal connections with firefighters when they came out to our school to run drills. The partnership focuses on education around fire safety and general home safety, especially given the earthquakes here. I know I can call on bilingual fire department staff to come and support our work.

It reinforces the idea that, in our work at schools, it comes down to relationships. Students and families feel a deeper sense of trust and connection with our fire safety personnel. When the firefighters drive by, the kids can wave and see familiar faces in the neighborhood. For our culture and our community, there sometimes is not a strong sense of trust in connection in authority figures. If we truly believe that stronger neighborhoods and close-knit communities shape a better world, then it starts with these simple connections where the students and families get to know safety personnel on a more personal level. (Personal communication, October 16, 2018)



Keep informed on current events and changes in policy

Why this matters

New or updated immigration policies may be announced at any time by the federal government. In addition, local measures in your school district, municipality, or state may also change. At the most practical level, it will be important to know how any changes in policy may affect your families. On a broader level, it will be important to know what kinds of issues may be affecting your students, what they hear, and what they are feeling.

Tips for getting started

- Designate [a point person](#) on immigration.
- Look for organizations in the community and online that are providing regular updates on the issues impacting your families.
- Ask your professional networks for recommendations on where to get information.

Reminder: Encourage students and families to choose sources of information carefully

Educators have discussed the difficulty that comes from students and parents having inaccurate information or news coming from unreliable sources, like YouTube. This confusion prompted a high school student [named Katia](#) who came to this country as an unaccompanied minor to speak with some middle school students. She observed, “We got to talk in a circle and we find out, yes, some people are just feeling really stressed and they don’t know what’s going on. We have come to a conclusion that we need to put more information for parents and scholars to know more about what’s going on instead of randomly saying little pieces of things that they heard.” See more on the issue of media literacy in [4 Practical Steps to Help Immigrant Families in Your School Community](#) from *Education Week*.

Recommended resources

- Colorín Colorado social media: [Facebook Page](#); [Facebook ELL Group](#); and [Twitter Feed](#)
- [Key Facts About U.S. Immigration Policies and Proposed Changes](#) (Pew Research Center, 2018)

