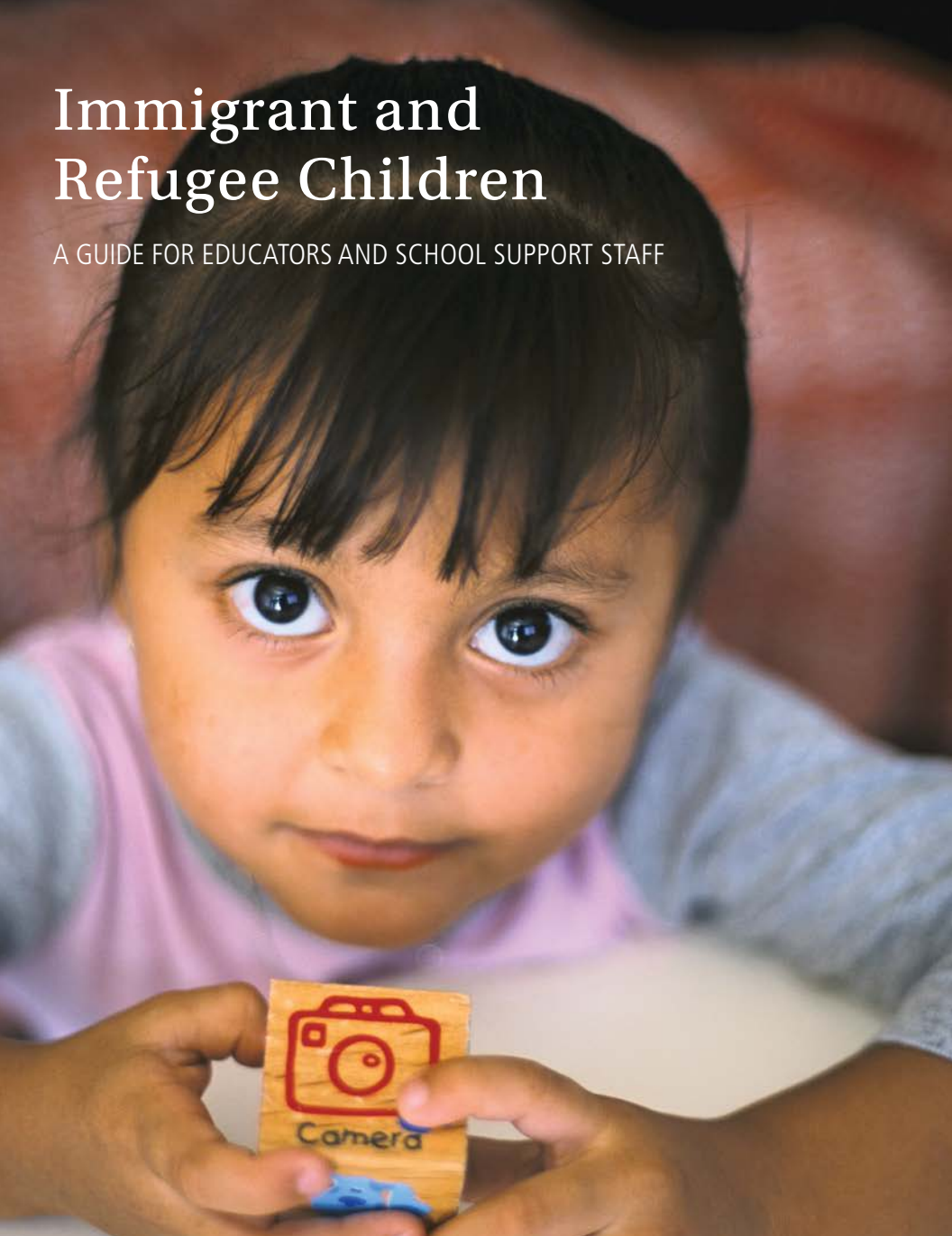


Immigrant and Refugee Children

A GUIDE FOR EDUCATORS AND SCHOOL SUPPORT STAFF



TOOLS AND RESOURCES TO HELP PROTECT AND PREPARE YOUTH AND FAMILIES
IN CASE OF AN IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) RAID



The content in this guide was compiled by United We Dream's Dream Educational Empowerment Program, the National Immigration Law Center, First Focus and the AFT.



AFT members and allies: UWD, NILC and First Focus are here to help!

Learn more about United We Dream/DEEP at www.unitedwedream.org/DEEP.

Learn more about the National Immigration Law Center at www.nilc.org.

Learn more about the First Focus Center for the Children of Immigrants at bit.ly/children-of-immigrants.

Learn more about the AFT's work on immigration and unaccompanied children at www.aft.org/immigration/ICeraid.



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OUR MISSION

The American Federation of Teachers is a union of professionals that champions fairness; democracy; economic opportunity; and high-quality public education, healthcare and public services for our students, their families and our communities. We are committed to advancing these principles through community engagement, organizing, collective bargaining and political activism, and especially through the work our members do.

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Introduction

This guide was created for educators, school support staff and service providers who teach, mentor and help open the doors of opportunity for undocumented youth and unaccompanied and refugee children currently living in the United States. Educators, school support staff and service providers are often the first individuals a student and/or family comes out to as undocumented. Moreover, they are often the first ones to witness the impact of increased enforcement measures on students and their families. It's critically important that educators, school support staff and service providers know the tools and resources available to help protect and prepare youth and families for an Immigration and Customs Enforcement (ICE) raid.

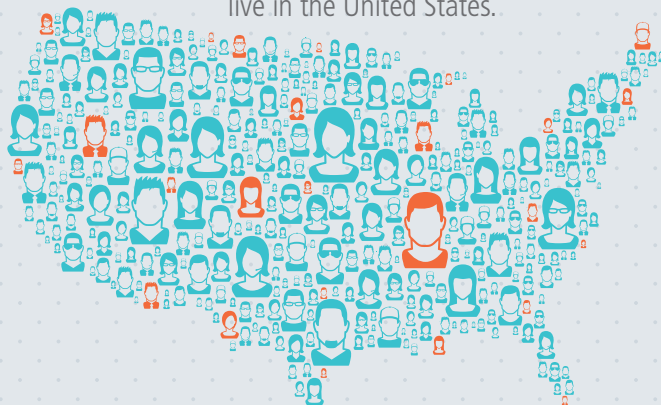
Schools should be safe havens that embrace all students and families, regardless of citizenship and national origin, and that includes unaccompanied and refugee children. The 1982 U.S. Supreme Court case *Plyler v. Doe* ruled that undocumented children have a constitutional right to receive a free public K-12 education, which provides the means to becoming a "self-reliant and self-sufficient participant in society," the court wrote, and instills the "fundamental values necessary to the maintenance of a democratic political system." However, today's increased enforcement measures by the Department of Homeland Security threaten that right for thousands of undocumented youth and the 4.1 million U.S.-born children who live in mixed-status households with at least one parent or family member who is undocumented.

Raids take an emotional, psychological and physical toll on developing children, youth and entire communities. Raids and other immigration enforcement actions drive undocumented and mixed-status families further into the shadows and erode the trust built between educators and the students they teach and families they serve. Educators know that circumstances outside the classroom and school grounds have a huge impact on the educational success of students. They see the impact of these out-of-school factors in homework assignments, grades, interactions in class and extracurricular activities. And educators witness the chilling effects of raids, including the chronic fear, anxiety and stress that consume students and their families on a daily basis.



Facts about Undocumented Youth

Approximately **2.5 million** undocumented youth live in the United States.



Each year, **80,000** undocumented youth turn **18 years of age**.



Each year, **65,000** undocumented youth graduate from high school, of which only **5 to 10 percent** enroll in college.



Of these undocumented youth enrolled in college, only **1 to 3 percent** graduate each year.



Educators, school support staff and other service providers play a critical role in helping to end the criminalization, detention and deportation of students and families. Rather than being punished for their immigration status, students and their families should be recognized for their sacrifice, hard work, determination and contributions that strengthen our communities.

i All children have a right to a public education

Under federal law, *all* children, regardless of their citizenship or residency status, are entitled to a K-12 education, including college counseling services. School districts that either prohibit or discourage children from enrolling in schools because they or their parents are undocumented immigrants may be in violation of federal law. If you believe that a school district is violating this law, contact the AFT human rights department at afthumanrights@aft.org. You can also file a complaint with the federal government at:

- **Department of Justice, Civil Rights Division,
Educational Opportunities Section**
877-292-3804 (toll-free)
education@usdoj.gov
- **Department of Education, Office for Civil Rights**
800-421-3481 (toll-free)
ocr@ed.gov
www.ed.gov/ocr/complaintintro.html

Facts about undocumented students and unaccompanied children

Undocumented students

An undocumented student is an aspiring citizen who came to the United States without legal documentation or who has overstayed his or her visa. These students:

- Often don't know they are undocumented until they begin the college application process.
- Don't qualify for federal grants or loans, even if they are in financial need and their parents pay taxes.
- Have done everything our society has asked them to do. They have worked hard, studied hard and played by the rules, and they want the ability to use their talents and gifts to give back to their communities.
- Are racially and ethnically diverse, from all corners of the world, and are part of the 11.5 million undocumented immigrants in the United States.

Unaccompanied children

An unaccompanied child is a child who has no lawful immigration status in the United States; is under the age of 18; and has no parent or legal guardian in the United States, or has no parent or legal guardian in the United States available to provide care and physical custody.

For the purpose of this guide, the term “unaccompanied children” refers to recently arriving children from Central America who entered the United States without a parent or guardian. Here are some important facts about these recently arriving unaccompanied children:

- Since 2014, more than 100,000 unaccompanied children have sought refuge in the United States, primarily from Central America’s Northern Triangle—El Salvador, Guatemala and Honduras.
- More than half of unaccompanied children do not have legal representation in immigration court and have to navigate the complex legal system entirely on their own.
- Children are migrating from the Northern Triangle and seeking refuge in the United States for reasons that include, but are not limited to, the following:
 - * To escape violence, abuse, persecution and communities overrun by crime, corruption, endemic poverty and human trafficking.
 - * To find family members already residing in the United States.
 - * To seek better educational or economic opportunities.
 - * Were brought to the United States by human smugglers.

i Undocumented students/family members in your classroom

Most immigrants live in mixed-status communities and households. There are 4.1 million U.S.-born children with at least one parent or family member who is undocumented. In order

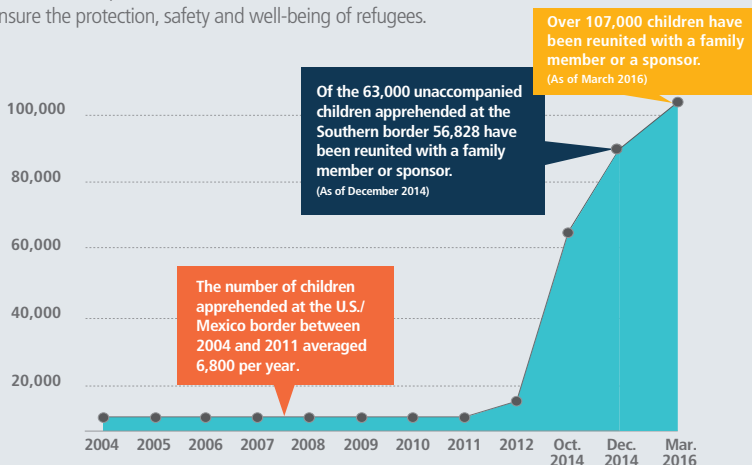


to avoid singling out anyone in your classroom, it’s best to share information on the topic of raids broadly to the entire classroom and offer to be available for follow-up questions and one-on-one conversations if students are interested. Creating a safe space where students can come to you for support and advice is the best thing you can do for your students.

Children Seeking Refuge in the United States

Unaccompanied children* have been entering the United States for decades.

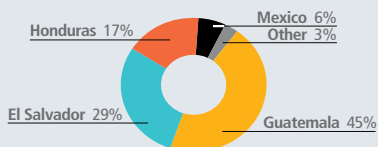
In fact, the United States has entered into numerous treaties with other countries to ensure the protection, safety and well-being of refugees.



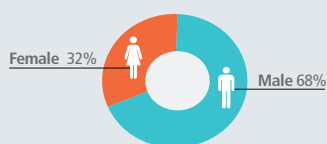
*An unaccompanied child is a child who has no lawful immigration status in the United States; is under the age of 18; and, who has no parent or legal guardian in the United States, or has no parent or legal guardian in the United States available to provide care and physical custody. See 6 U.S.C § 279(g)(2)

Who are the unaccompanied children entering the U.S. Southern border? (2015 data)

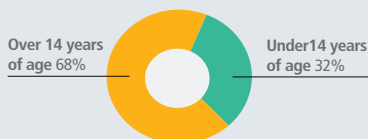
NATIONALITY



GENDER



AGE



For more on addressing the needs of unaccompanied children, visit www.aft.org/BorderCrisis.

Educator's FAQ about immigration raids

What is an immigration raid?

While Immigration and Customs Enforcement (ICE), which is the enforcement agency within the Department of Homeland Security, does not explicitly describe certain enforcement tactics as “raids,” the term is generally used by immigrant communities and advocates to describe the preplanned arrests of immigrants working, studying or living in the United States without lawful immigration status. These arrests can target a wide range of immigrants, from long-term lawful permanent residents who may have committed a minor offense, to undocumented immigrants who have final deportation orders (even if they were issued without a person’s knowledge). Immigration raids can happen at any given time, but they rely heavily on an element of surprise and most frequently take place at the individual’s workplace or in or near his or her home, often during predawn or early morning hours. ICE officers often appear in large numbers, may be visibly armed and may not be easily identifiable as ICE agents. Other common features of these raids: an absence of a warrant, and an agent giving false or misleading information to gain access to the home and to describe the nature and length of the arrest. In recent months, these apprehensions have targeted immigrant youth leaving their homes on their way to work or school.

Why are raids happening now?

Increased enforcement measures by ICE are used to deter illegal immigration into the United States. In 2014, the United States experienced an unprecedented growth in the number of unaccompanied children and family units entering the country, the majority coming from

El Salvador, Guatemala and Honduras. More than 68,000 unaccompanied children entered in 2014, as well as more than 68,000 family units, primarily mothers with young children.

Since the beginning of the crisis, the Department of Homeland Security has responded by strengthening enforcement measures, in collaboration with Mexico and the countries of the Northern Triangle, in order to prevent and deter migrants from seeking refuge in the United States. In November 2014, President Obama announced a series of immigration actions, including a change in immigration enforcement priorities. These new priorities include unaccompanied children who were apprehended at the border or entered without proper documentation after Jan. 1, 2014.

As part of the Obama administration’s deterrent strategy, ICE conducted a series of home raids in Georgia, North Carolina and Texas at the beginning of 2016, targeting recently arrived Central American migrants. The 121 individuals apprehended in the raids were primarily mothers with children. A statement issued by DHS Secretary Jeh Johnson revealed that these raids were part of an ongoing operation targeting migrants who had been apprehended at the southwest border after Jan. 1, 2014, and had been issued final deportation orders. Additional operations have followed, including home raids targeting unaccompanied youth who have turned 18 years of age.

Why are students being targeted?

In late January 2016, there were increasing reports around the country of unaccompanied children being detained after leaving their homes,

some on their way to school. A statement issued by the DHS secretary revealed that these arrests were part of “Operation Border Guardian,” an operation targeting youth who entered the United States as unaccompanied children after Jan. 1, 2014, recently turned 18 and have been issued final deportation orders.

What impact do raids have on children and youth?

Research consistently shows that immigration enforcement actions have a harmful impact on the health, safety, academic performance and overall well-being of children, including U.S. citizen children living in mixed-status families. According to a 2010 report by the Urban Institute, children who witnessed parents or family members apprehended in a home raid were much more likely to experience symptoms of post-traumatic stress disorder than children whose parents were arrested in other settings, including greater changes in sleeping and eating patterns and much higher degrees of fear and anxiety. Several teachers in North Carolina also reported significant behavioral changes and increased absenteeism among students following a local community raid, including among U.S. citizen students.

Are there places where raids are prohibited?

Yes, with exceptions. According to a policy memorandum released by the Immigration and Customs Enforcement agency in 2011, commonly referred to as the “sensitive locations memo,” ICE officers and agents are to refrain from enforcement actions at least at the following locations and events:

- schools (including preschools, primary schools, secondary schools, colleges and universities, and other institutions of learning, such as vocational and trade schools);
- hospitals;

- churches, synagogues, mosques and other institutions of worship, such as buildings rented for the purpose of religious services;
- during funerals, weddings and other public religious ceremonies; and
- during public demonstrations, such as a march, rally or parade.

The sensitive locations policy is intended to establish safe havens for immigrant communities, but it is important to note that there are exceptions to this policy, including cases where prior approval must be obtained before conducting enforcement operations in a sensitive location, and cases where prior approval is not required, such as when there is an extraordinary circumstance involving public safety.

Is there a federal law that prevents schools from sharing student information?

Yes. Under the Family Educational Rights and Privacy Act (FERPA), schools are prohibited, without parental consent, from providing information from a student’s file to federal immigration agents if the information would potentially expose a student’s immigration status. If ICE agents present a school with a removal warrant (deportation order), the school is still permitted to refrain from providing student information, as the warrant is administrative, not judicial. Under FERPA, schools may disclose directory information without consent, but they are required to allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Some schools have also interpreted the *Plyler* decision as prohibiting them from requiring students to provide Social Security cards or birth certificates as a condition of enrollment, test taking or participation in school activities. For more on FERPA, see familypolicy.ed.gov/ferpa-parents-students.

Tools to support and protect students and their families

The U.S. detention and deportation process

The U.S. government uses detention centers throughout the country to lock up undocumented immigrants while they fight their deportation/removal cases. Immigration and Customs Enforcement maintains 34,000 detention beds at any given time, detaining more than 400,000 people each year. These detention centers are similar to, and often housed in, jails and private prisons. For example, some facilities are surrounded by high fences with barbed wires, and immigrants in detention share rooms, showers and bathrooms. Detained immigrants face harsh conditions, such as being entirely cut off from loved ones, access to legal representation or advice, and medical care. Undocumented immigrants often remain in detention centers without access to legal counsel until their case is decided. In some cases, immigrants are released from detention on bond and/or with an ankle monitor while their deportation case is pending. Cases can take months or even years before a final decision is made. In many cases, immigrants are facing the prospect of returning to a country where they have no family members, may not speak the language and may face dangerous conditions.

Home raid to deportation map

- **STEP 1:** The raid happens. ICE officials come to an immigrant's home and arrest the person and possibly other undocumented immigrants in the household. ICE arrests/raids can also happen outside the home, such as on the street, at work or after a person is released from jail.
- **STEP 2:** Undocumented immigrant is taken to a local ICE office for fingerprinting and processing.
- **STEP 3:** Undocumented immigrant is released or taken to a detention center. The length of stay varies from person to person, but undocumented immigrants often are given no information or misinformation about what to expect.
- **STEP 4:** Undocumented immigrant sees an immigration judge, who will decide if he or she is eligible for bond. An undocumented immigrant can explain to the judge why he or she has the right to remain in the United States, including detailing fears of persecution if forced to return to his or her country of origin. Alternatively, an undocumented immigrant can agree to be deported without a hearing. In some cases, a person may ask for time to find a lawyer or to gather evidence, but this request is not always granted and may not provide sufficient time to prepare for a complex immigration case.
- **STEP 5:** Undocumented immigrant may be released from detention, sometimes on bond and/or with an ankle monitor, until the case is decided. Others must continue to fight their case from inside the detention center. If the judge issues an order of removal, the undocumented immigrant is sent to his or her country of origin, either by plane or by bus.



"So few people (including me) understand what children and their parents are going through on a day to day basis, so illustrating as much of those points as possible helps portray their circumstance. I think the part of the letter that hit me most is the idea of not being able to control what is happening, not knowing when they will be able to leave, and the cramped feeling of all of these conditions on top of each other. The conditions are all a part of the same screwed up situation. All a part of the same torture."

ROBERT TRUJILLO

Know your rights

Information for students and families

Before a raid, families should:

- **Identify a local nonprofit organization that can help you.** Find out who in your community provides free legal support services (e.g., immigration advocates, legal aid organizations, churches or worker centers).
- **Identify an attorney.** Find out the name and phone number of a reliable immigration attorney ahead of time and keep this information with you at all times.
- **Obtain a “know your rights” card.** These cards state that you would like to exercise your right to remain silent and that you would like to speak to an attorney. The name and phone number of your attorney should be listed on the card.
- **Advise family members who do not want to be questioned by ICE to stay away from where the raid occurred and where the detained person is being held.**
- **Start saving money.** You’ll need money to hire an attorney and for toiletries and food during detention. It’s best to start saving now.
- **Create a family immigration raid emergency plan.** To find out how to make your plan, refer to page 13 of this guide.

Creating a family immigration raid emergency plan

Some parents at risk of deportation may be reluctant to develop an emergency plan or even talk to their children about the risk of separation. However, developing a plan can help ease anxiety of the unknown, increase the chances of families being able to stay together should separation occur, and prevent children from unnecessarily entering the child welfare system. Parents should create a plan and share as much of that plan as possible with their children. Don’t wait—be proactive and plan ahead.

Questions families should address in order to prepare for an immigration raid

- Who will take care of my children (family member and/or legal guardian)?
- Who can sign a power of attorney?
- Who will have access to my assets (bank accounts, car, home, etc.)?
- How and where can I find legal help? What are the forms I need to have ready to be able to receive this legal help?
- How can I find my loved one in detention?
- What are a person’s rights in detention?
- How do I know if my loved one can pay bond?
- How can I fundraise to pay for a bond or an attorney’s legal services?
- What can I do to help my loved one?
- Who or what organizations can help me?

Immigrant and Refugee Children

A Guide for Educators and School Support Staff

WHAT TO DO IF ICE COMES TO YOUR DOOR



DO NOT OPEN DOORS

ICE cannot come in without a signed warrant by a criminal court judge. They can only come in if you let them.



REMAIN SILENT

ICE can use anything you say against you in your immigration case so claim your right to remain silent!

***Say "I plead the fifth amendment and choose to remain silent".**



DO NOT SIGN

Don't sign anything ICE gives you without talking to an attorney.



REPORT & RECORD!

Report immediately: UWD hotline 1-844-363-1423.

Take pictures & video unless you're on federal government property.

Take notes of badge numbers, number of agents, time, type of car and exactly what happened!



FIGHT BACK!

Get a trustworthy attorney & explore all options to fight your case. If detained, you may be able to get bail - don't give up hope! Join your local team to defend yourself from enforcement!

unitedwedream.org/end



United We Dream

Immigrant and Refugee Children

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EN CASO DE REDADAS ¿QUÉ PUEDES HACER?



NO ABRAS LA PUERTA

La migra solo puede entrar a tu casa con una orden de arresto emitida por un juez de la corte criminal, o si tu le abres la puerta. ¡No habras la puerta!



GUARDA SILENCIO

Tienes el derecho a permanecer callado/a. Si te confrontan agentes de inmigración, di:

"Uso mi derecho bajo la quinta enmienda, y tengo el derecho a mantenerme callado/a"



NO FIRMES

No firmes nada que te den los agentes de inmigración.



¡REPORTA Y GRABA!

Reporta inmediatamente al 1-844-363-1423.

Toma fotos y videos, a menos que estes en suelo federal. Toma notas del número de placa, el número de los agentes, la hora, el tipo de carro, y exactamente que sucedió.



¡HAZ UN PLAN Y PELEA!

Si inmigración detiene a un ser querido, busca un abogado de confianza, y haz planes para que alguien cuide a tus hijos. Tu puedes pelear un caso de detención y tal vez recibir una fianza. Únete a un equipo local para defenderte de la migra.

unitedwedream.org/end



United We Dream

TEAR AND SHARE!

Immigrant and Refugee Children

A Guide for Educators and School Support Staff



Immigrant and Refugee Children

A Guide for Educators and School Support Staff

What to Do If ICE Comes to Your Door

TEAR AND SHARE!

- ➔ **Do not open doors.** ICE cannot come in without a signed warrant. Tell them to pass the warrant under the door before you open it.
- ➔ **Remain silent.** ICE can use anything you say against you in your immigration case so claim your right to remain silent! Say **“I plead the Fifth Amendment and choose to remain silent.”**
- ➔ **Do not sign.** Don’t sign anything ICE gives you without talking to an attorney.
- ➔ **Report the raid!**
Report it immediately to the UWD hotline: 1-844-363-1423
Take pictures, video and notes: badge numbers, number of agents, exactly what happened!
- ➔ **Fight back!** Get a trustworthy attorney and explore all options to fight your case. If detained, you may be able to get bail—don’t give up hope!

Getting started:

Seven steps to help prepare your family for an immigration raid

- 1. Identify a legal aid organization,** legal advocate or pro bono attorney, and write down the organization’s or person’s contact information.
- 2. Identify at least two willing caregivers** and write down their complete contact information.
- 3. Collect important documents for children,** such as passports, birth certificates, Social Security cards, and school and medical records.
- 4. Save money for legal fees/bonds.** Write down your information regarding financial records, bank statements, savings accounts, credit cards, etc.
- 5. Consider establishing a power of attorney** for a designated caregiver, authorizing that adult to care for your children under the age of 18.
- 6. Do not carry any false documents.**
- 7. Have your documents ready and organized:** passports, IDs, attorney contact information, financial records, letters from immigration, and your Alien Registration Number, or A-Number, if you have a pending immigration case. All of these documents should be organized in a folder or binder for easy access in a place where your children, housemates or trusted relatives will be able to access it in case of an emergency.

Immigrant and Refugee Children

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En Caso de Redadas: ¿Qué Puedes Hacer?

- ➔ **No abras la puerta.** Pregúntale a la migra si tienen una orden de arresto y que te la pasen por debajo de la puerta.
- ➔ **Guarda silencio.** Tienes el derecho a permanecer callado/a. Si te confrontan agentes de inmigración, di:
“Uso mi derecho bajo la quinta enmienda, y tengo el derecho a mentenerme callado/a.”
- ➔ **No firmes.** No firmes nada que te den los agentes de inmigración.
- ➔ **¡Reporta la redada!**
Reporta inmediatamente al 1-844-363-1423
Toma fotos y videos de todos los detalles que veas. Dile a tus amigos y vecinos lo que sucede y edúcalos sobre sus derechos.
- ➔ **¡Haz un plan y pelea!** Sí inmigración detiene a un ser querido, busca un abogado de confianza, y haz planes para que alguien cuide a tus hijos. Tu puedes pelear un caso de detención y tal vez recibir una fianza.

During a raid

Know your rights:

- **Do not open the door** unless the immigration officer/ICE agent has a warrant.
- **Ask for a warrant.** Have the ICE agent push the warrant under the door or through a crack on the side of the door. Do not open the door to get it. Make sure the warrant correctly states your name and address.
- **You have the right to remain silent.** Remain silent or tell the ICE agent that you want to remain silent.
- **You have the right to an attorney.** Ask to speak with a lawyer.
- **Carry a “know your rights” card.** Be sure to hand it to the ICE agent.
- **Do not sign any documents without first speaking with a lawyer.**
- **Let the officers know if you have children.** Parents or primary caregivers of U.S. citizen or lawful permanent resident children may be eligible for discretion.
- **Call the United We Dream hotline at 1-844-363-1423 to report the raid.** Friendly representatives are standing by and ready to answer your questions and refer you to people who may be able to help. UWD representatives can also identify the frequency of raids in a particular area to identify patterns.
- **Send a text message to 877877 to report that the raid is happening.** Include the location of the raid.
- **Document the raid.** If it's possible and safe to do so, take photos and videos of the raid. Take notes and write down the names and badge numbers of the ICE agents.



"I think people forget that these detention centers are prisons and sometimes have harsher conditions. The figure of a woman and her child in a desolate cell is eye opening. I don't want to victimize her but I also want to be real about her struggle."

ZEKE PEÑA

After a raid

Finding someone who has been detained by ICE:

- **Use ICE’s online detainee locator to find an adult who is in immigration custody.** You can search using the person’s Alien Registration Number and country of origin or biographical information. If you can’t find a person using the online locator, call your local ICE office. For a directory of local ICE offices, visit www.ice.gov/contact/ero.
- **You can also call the Executive Office for Immigration Review’s hotline** at 240-314-1500 or 800-898-7180 (toll-free) to obtain case status information 24 hours a day, seven days a week.

Finding legal representation:

1. The Administrative Relief website (www.adminrelief.org) allows you to search for legal services by ZIP code and to modify your search based on what you’re looking for (e.g., for help after a raid, you can

narrow your search to “Removal Defense Attorneys”).

2. The Department of Justice lists pro bono and low-cost immigration attorneys by state (www.justice.gov/eoir/list-pro-bono-legal-service-providers-map).
3. Visit the websites of the American Immigration Lawyers Association (www.ailalawyer.com) and the National Immigration Project (www.nationalimmigrationproject.org/find.html).

Ensuring children are safe:

- Parents, legal guardians and primary caregivers should let detention personnel know right away if they have minor children, as this may make them eligible for release. If release is not possible, parents should make every effort possible to maintain contact with their designated caregivers and children and to notify detention personnel about their plans for their children’s care if they are deported.

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15 Things educators, school support staff and communities can do to help protect undocumented students and their families

- 1 **Inform students and their families** of their rights.
- 2 **Stress the importance** of taking proactive steps to ensure the safety and well-being of children and entire communities.
- 3 **Distribute “know your rights” materials** to students and communities about what to do if a raid occurs or an individual is detained.
- 4 **Find out** if there is a local immigration raid rapid response team. These teams usually consist of attorneys, media personnel and community leaders who may be able to provide support.
- 5 **Partner with a pro bono attorney**, legal aid organization or immigrant rights organization to schedule a “know your rights” workshop on campus to inform students and families about their rights.
- 6 **Provide a safe place** for students to wait if a parent or sibling has been detained.
- 7 **Provide counseling** for students who have had a family member detained by ICE.
- 8 **Maintain a list of resources**, such as the names of social workers, pro bono attorneys and local immigration advocates and organizations, that can be shared with your students and their families.
- 9 **Identify someone at your school** who can serve as the immigration resource advocate in your building or on your campus.
- 10 **Work with parents** to develop a family immigration raid emergency plan.
- 11 **Make your school** an ICE-free zone/sanctuary school.
- 12 **Work with your school board** to pass a resolution affirming schools as welcoming places of learning for all students, distancing the schools from enforcement actions that separate families.
- 13 **Issue statements** condemning raids and calling for the immediate release of students.
- 14 **Participate in National Educators Coming Out Day**, held annually on Nov. 12, and “come out” in support of undocumented students (www.unitedwedream.org/educatorsout).
- 15 **Participate in National Institutions Coming Out Day**, held annually on April 7 (www.unitedwedream.org/nicod).

For additional tools and model resolutions to create safe, welcoming environments for all students, visit www.aft.org/immigration/ICEraid.

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Immigrant and Refugee Children

A Guide for Educators and School Support Staff



The power of knowing your rights

Every individual in the United States, including undocumented immigrants, has protections under the U.S. Constitution. Undocumented students and their families deserve to have access to this crucial information. As an educator, you can be a direct resource for this information. For tools and resources, visit www.unitedwedream.org/toolbox.

Taking action beyond the classroom: Ways in which schools can protect their entire communities

Aside from helping students and parents learn their rights and make plans in case of detention, educators and school support staff can work with community allies to be more proactive to keep students and their families safe from deportation.

Advocate to stop raids and halt deportation proceedings

Unaccompanied children and youth should be in school, not in detention centers awaiting deportation. Educators can play an important role in protesting raids and halting deportation proceedings. For example, if a student has been detained by ICE, you can send a letter of inquiry to the U.S. Department of Homeland Security, asking for prosecutorial discretion to be exercised or considered, or you can file a formal civil rights complaint with the U.S. Department of Education's Office for Civil Rights.

You can also distribute the United We Dream deportation defense guide, which was published to inform members of Congress and other elected officials about the role they can play in stopping the deportation of their constituents and other community members.

Elected officials have successfully advocated for individuals in removal proceedings for years and continue to employ this process to help immigrant communities even today. The guide is also a useful resource for community advocates and people in deportation proceedings seeking support from their elected officials. To download the guide, visit www.unitedwedream.org/deportationdefenseguide.

Adopt resolutions

School districts are responsible for ensuring the safety and well-being of all their students while they are in school. One way to create a welcoming school environment and protect undocumented students while in class and on school grounds is to pass a resolution that restricts ICE agents' access to school property, similar to the one the Los Angeles Unified School District passed in February 2016. The LAUSD resolution:

- Forbids immigration enforcement agents from going on campus without approval from the superintendent and the LAUSD law office.
- Forbids school staff from asking about a student's immigration status or that of family members.
- Provides teachers, administrators and other staff with training on how to deal with immigration issues and how to notify families in multiple languages of issues.
- Asks all schools to treat students equitably, including those receiving free and reduced-price meals, transportation and other services.
- Requires the superintendent to come up with a plan to provide assistance and information for students and families "if faced with fear and anxiety related to immigration enforcement efforts."

As of May 2016, school boards and municipalities in the following cities and counties have taken similar actions: San Francisco; Prince George's County and Montgomery County, Md.; Durham, N.C.; and Arlington, Va.

For additional information about what actions cities and counties can take to protect immigrants and make communities welcoming places for all, visit Cities for Action (www.citiesforaction.us), a coalition of more than 100 mayors and municipalities that are leading the effort to support stronger, safer and more economically prosperous cities and counties through immigration action.

Public statements

Educators, administrators, students and community allies can make public statements denouncing immigration enforcement raids to reassure students and families that their local school remains a safe haven.

- Statement from Kevin M. Maxwell, CEO of the Prince George's County (Md.) Public Schools: bit.ly/1shXnvW
- Statement from the San Francisco Unified School District reassuring families that any ICE request for access to an SFUSD school will go through a thorough review process: bit.ly/1OTMTHV
- Members of the Associated Students of the University of California, Santa Barbara, pass a resolution in support of undocumented community members:

"The resolution urged A.S. to form a temporary committee to work with I.D.E.A.S.

and to increase access to counseling and psychological services for undocumented students. The resolution was written in response to recent Immigration and Customs Enforcement raids in California and the expected presence of Customs and Border Patrol recruiters at the Winter Career Fair."

Write a letter to the Department of Homeland Security against deportations

280 educators and national educator unions call on President Obama to stop the raids on immigrant families: bit.ly/1Sxz9rR

Create an online petition to prevent a student's deportation

Online petitions are powerful tools for building public awareness and community support. See the NotOneMoreDeportation.com petition below for 19-year-old Kimberly Pineda Chavez, who was detained in the United States after escaping violence in Honduras:

www.notonemoredeportation.com/portfolio/kimberly

Organize a rally or walkout opposing ICE raids and deportations

In February 2016, educators and community allies in Durham, N.C., organized a rally in support of a high school student detained by ICE. Actions like this help to support individuals fighting their deportation cases. The student's teachers even mailed school assignments to his detention facility to help him stay on top of his work. "There is nothing that will hold me back from giving a kid his class work and finish their education and graduate," teacher Ellen Holmes told a local news station.



United We Dream and immigration equality leader Marco Quiroga raises his rainbow flag calling on President Obama to act on immigration.
JASSIEL PEREZ/
UNITED WE DREAM



Members of the University Leadership Initiative at the University of Texas at Austin hold a silent protest blocking the border patrol table at a UT career fair.
PHOTO COURTESY
OF THE UNIVERSITY
LEADERSHIP
INITIATIVE TEAM

In January, Minneapolis high school students staged a walkout to protest immigration policies and recent deportations and raids by immigration authorities. According to the *Star Tribune*, a 14-year-old undocumented student who spoke at the protest said, "Honestly, it's scary to wake up every morning knowing that something can happen, that someone can take my family away."

A group of University of New Mexico students recently held a protest against the presence of Customs and Border Protection at a career fair. Senior Estefany González Mendoza told the *Albuquerque Journal* that the border patrol's

presence can be threatening to undocumented students and can trigger memories of previous traumas. "It brought up a lot of anxiety for students who are undocumented," she said. "Students shouldn't have to be scared to come on campus because border patrol is there."

For additional examples, resources and tools to take action to protect students and their families, visit unitedwedream.org/action/stop-deportations/open-cases.



UNACCOMPANIED CHILDREN

"No matter how they got here, no matter how frustrated we are with our government, we can't forget that these are children of God who are also just kids. No different than our sons and daughters, our nieces and nephews and cousins. We need to protect these children at our borders and keep them from falling into the hands of human traffickers. We need to give them guidance and warmth and a sense of welcome. No matter what, we need to remember these are innocent children who are lonely and frightened and far from home, caught up in circumstances they did not create and they cannot control."

—Archbishop of Los Angeles Jose H. Gomez

"In my illustration, I wanted to evoke the sensations of feeling trapped and suffocated to show that immigration detention is not a humane place for anyone to exist in, let alone a child. ... Our society needs to be reminded that being an immigrant does not make you any less human."

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Resources for unaccompanied children

All children in the United States are entitled to equal access to a public elementary and secondary education, regardless of their parents' actual or perceived national origin, citizenship or immigration status. This includes newly arrived unaccompanied children who are in immigration proceedings while residing in local communities with a parent, family member or sponsoring family. Title I and Title III funding may be used to meet the educational needs of these children.

The legal journey ahead for the more than **100,000 children** who have recently entered the United States seeking protection is long and hard. For the most part, unaccompanied children have to navigate immigration court and removal proceedings alone; children are not provided government-appointed lawyers. **Research shows that children with attorneys are four times more likely to win their cases, while only 1 in 10 children without an attorney is successful in obtaining legal status. More than 80 percent of the children released to a sponsor lack legal counsel.**

Most common types of relief that unaccompanied children qualify for

- 1 Asylum:** Asylum is a form of international protection granted to refugees who are present in the United States. In order to qualify for asylum, a person must demonstrate a well-founded fear of persecution based on one of five grounds: race, religion, nationality, political opinion or membership in a particular social group.
- 2 T visas:** T visas are available to individuals who have been victims of a severe form of trafficking. To be eligible, the person must demonstrate that he or she would suffer extreme hardship if removed from the United States.
- 3 Special Immigrant Juveniles Status:** The Special Immigrant Juveniles Status program is a humanitarian form of relief available to noncitizen minors who enter the child welfare system due to abuse, neglect or abandonment by one or both parents. To be eligible, a child must be under 21, unmarried and the subject of certain dependency orders issued by a juvenile court.
- 4 U visas:** U visas are available to victims of certain crimes. To be eligible, the person must have suffered substantial physical or mental abuse and have cooperated with law enforcement in the investigation or prosecution of the crime.

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Process at the U.S. border

When a child arrives at the U.S. border, the process depends on the child's country of citizenship. Unaccompanied children who are apprehended at the border or who turn themselves in to U.S. Customs and Border Protection agents are taken into custody by CBP and placed in short-term facilities. Children from contiguous countries (Mexico and Canada) are screened by CBP. If CBP determines that the child is not a potential trafficking victim, does not have an asylum claim and accepts voluntary return, the child is returned immediately.

By law (the Trafficking Victims Protection Reauthorization Act), children who are not nationals of Mexico or Canada must be transferred to the custody of the Office of Refugee Resettlement of the U.S. Department of Health and Human Services, no later than 72 hours after the child is apprehended.

HHS is required to care for unaccompanied children until the department is able to place them in the care of a parent, legal guardian, close friend or foster care. Upon entering HHS custody, all children receive medical and mental health examinations, tuberculosis screening and any needed vaccinations, as determined by HHS. Children are confined to the HHS shelter during their stay and are not permitted to leave the grounds. **The average length of stay in these HHS shelters is 30 days, but children have been kept in temporary shelters for up to six months. About 85 percent of the children served are reunited with a family member.**

TEAR AND SHARE!

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Connect students and families with resources

As professionals who teach and care for the next generation, you're always making sure your students' health, educational, safety and legal needs are being met. Working with community partners and allies, we can create vibrant, welcoming environments for all students and families.

- 1 For resources and social, health and legal services offered in your state,** go to the Office of Refugee Resettlement resource webpage at www.acf.hhs.gov/programs/orr/state-programs-annual-overview. You can also call its National Call Center at 800-203-7001 for information on local community resources, available in English and Spanish.
- 2 Download** the Colorín Colorado "Unaccompanied Children in Schools: What You Need to Know" fact sheet at www.colorincolorado.org/sites/default/files/Unaccompanied_Minors_Tip_Sheet_for_Colorin_Colorado-FINAL.pdf.
- 3 Visit** the Office of Refugee Resettlement's directory of pro bono legal service providers at bit.ly/1WRXcEb.
- 4 Visit** the U.S. Department of Justice's directory of free legal service providers by state at www.justice.gov/eoir/list-pro-bono-legal-service-providers-map.
- 5 Learn more** about the National Immigration Law Center's work related to immigration raids and the arrests and detention of unaccompanied children at www.nilc.org/issues/immigration-enforcement.

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Legal aid organizations

Kids in Need of Defense is a national organization focused on providing unaccompanied refugee and immigrant children in the United States with pro bono legal services. KIND ensures that children understand the legal proceedings and deportation process, makes sure that sponsors are properly screened so children do not end up in abusive or unsafe homes, and matches children with a pro bono lawyer. With its global partner the Global Fund for Children, KIND helps ensure that children returning to their countries of origin have access to the basic services they need to remain safe as the conditions that caused them to leave remain the same. www.supportkind.org.

The Lutheran Immigration and Refugee Service works with migrants and refugees, U.S. Lutherans and many partners in service and justice to accomplish its mission. Refugees are resettled through a network of 28 local organizations in 26 states, most of which are Lutheran social ministry organizations. Sixteen of those organizations also provide immigration legal services. Asylum seekers, survivors of torture and other migrants impacted by detention are served through 23 partners providing legal and social services, including visitation ministry. In addition, LIRS works directly with eight foster care programs at the state level to provide family reunification and foster care services for unaccompanied refugee and immigrant minors. www.lirs.org/our-work/people-we-serve/children.

The Young Center for Immigrant Children's Rights is a champion for the best interests of children who arrive in the United States on their own, from all corners of the world. The center's staff serve as trusted allies for these children by accompanying them through court proceedings, advocating for their best interests and standing for the creation of a dedicated juvenile immigrant justice system that ensures the safety and well-being of every child. www.theyoungcenter.org.

The Catholic Legal Immigration Network (CLINIC) tackles problems faced by low-income immigrants and member agencies that can only be resolved through advocacy, education, pro bono representation, litigation and media. CLINIC, which has affiliates throughout the country, identifies legal trends and issues affecting immigrants and pursues responsive solutions. www.cliniclegal.org.

For additional resources and tools to help address the needs of unaccompanied and refugee children, visit the AFT webpage www.aft.org/immigration/ICEraid.

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Additional resources

Articles, reports and infographics

- *The Atlantic*: "Does ICE Pressure Schools for Student Info?"
- *New York Times*: "The Dark Side of Immigration Discretion"
- United We Dream: "The Real Impact of Immigration Raids"
- Center for American Progress: "How Educators and Communities Can Reduce the Fear of Deportation among Unauthorized Students and Families"
- Catholic Legal Immigration Network: "DHS Sensitive Locations Memo" (www.cliniclegal.org/resources/dhs-sensitive-locations-memo)
- Georgetown Law Human Rights Institute:
A Report on Access to Public Education for Undocumented Children

U.S. Department of Education

- "Resource Guide: Supporting Undocumented Youth" (www2.ed.gov/about/overview/focus/supporting-undocumented-youth.pdf)
- May 8, 2014, letter (*Plyler v. Doe*) (www2.ed.gov/about/offices/list/ocr/letters/colleague-201405.pdf)
- "Fact Sheet: Information on the Rights of All Children to Enroll in School" (www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-201405.pdf)
- "Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents" (www2.ed.gov/about/offices/list/ocr/docs/qa-201405.pdf)
- "OCR Complaint Forms" (www2.ed.gov/about/offices/list/ocr/complaintintro.html)
- "Financial Aid and Undocumented Students" (<https://studentaid.ed.gov/sa/sites/default/files/financial-aid-and-undocumented-students.pdf>)
- "Educational Services for Immigrant Children and Those Recently Arrived to the United States" (www2.ed.gov/policy/rights/guid/unaccompanied-children.html)

U.S. Department of Homeland Security

- Sensitive locations memo (www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf)

To download these reports and articles and other resources for unaccompanied and refugee children, visit the AFT webpage www.aft.org/immigration/ICEraid.

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Stay connected and informed

United We Dream is the largest network of immigrant youth across the country. UWD strives to develop a sustainable, grass-roots movement, led by immigrant youth, both documented and undocumented, and works to ensure that children of immigrants have equal access to higher education and a path to citizenship for them and their families.

www.unitedwedream.org

The Dream Educational Empowerment Program is a catalyst for educational justice and empowerment for immigrant students. DEEP educates, connects and empowers immigrant students, parents and educators to close the opportunity gap and engage in local efforts to improve educational equity.

www.unitedwedream.org/about/projects/education-deep

The National Immigration Law Center is the only national legal advocacy organization in the United States exclusively dedicated to defending and advancing the rights of low-income immigrants and their families. The center envisions a United States in which all people—regardless of their race, gender, or immigration or economic status—are treated equally, fairly and humanely; have equal access to justice, education, government resources and economic opportunities; and are able to achieve their full potential as human beings.

www.nilc.org

First Focus is a bipartisan advocacy organization dedicated to making children and families the priority in federal policy and budget decisions. The First Focus Center for the Children of Immigrants focuses on promoting the health, safety and well-being of children in immigrant families. Through legislative and administrative advocacy, First Focus and the center have been working to keep families together, minimize the harm of immigration enforcement policies on children, and ensure all children have access to the education and resources they need to grow up healthy.

www.firstfocus.org

The American Federation of Teachers is a national labor union representing 1.6 million pre-K through 12th-grade teachers; paraprofessionals and other school-related personnel; higher education faculty and professional staff; federal, state and local government employees; nurses and other healthcare workers; and early childhood educators. The AFT is one of the leading organizations in the country influencing policy and charting the course of public education.

www.aft.org

***Visions from the Inside** is a project of CultureStrike, in partnership with Mariposas Sin Fronteras, EndFamilyDetention.com and 15 artists from across the country. **Visions from the Inside** is a visual art project inspired by letters penned by detained migrants. By visually illustrating these letters they aim to bring awareness and a better sense of the realities that people are experiencing inside of for-profit detention facilities, what led them to migrate in the first place and, most importantly, the resiliency of the migrant spirit.*

www.culturestrike.org



Citizens of the World: "I originally developed this piece for a Mama's Day card project. The original character was based on a photograph taken at one of my butterfly workshops in Santa Ana, CA where a boy was happily focused on painting his butterfly. I wanted to show a migrant mother alongside her son. Yet, she can also be a school teacher working with her pupil, or an older sister with her sibling."

FAVIANNA RODRIGUEZ

AFT members and allies: UWD, NILC and First Focus are here to help!

Learn more about United We Dream/DEEP at www.unitedwedream.org/deep.

Learn more about the National Immigration Law Center at www.nilc.org.

Learn more about the First Focus Center for the Children of Immigrants
at bit.ly/children-of-immigrants.

Learn more about the AFT's work on immigration and unaccompanied children
at www.aft.org/immigration/ICeraid.



The content in this guide was compiled by United We Dream's Dream Educational Empowerment Program, the National Immigration Law Center, First Focus and the AFT.

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