

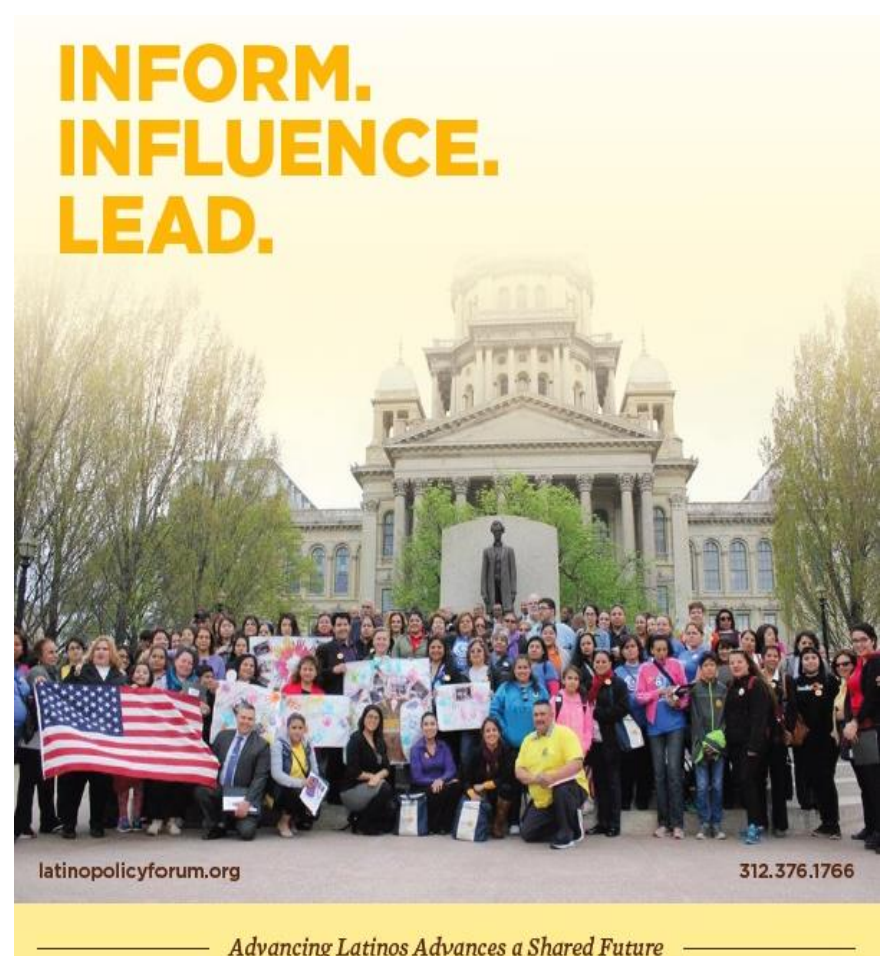


Federal Immigration Policy Updates and Challenges for Immigrant Students and Families



Who We Are

- Increasing access and improving quality in early childhood education
- Affordable housing
- Just immigration reform
- Build community leadership
- **Advancing Latinos advances a shared future**



We will discuss the following:

- Key questions for school districts
- Presidential executive orders
- Deferred Action for Childhood Arrivals (DACA)
- DACA under new administration
- Accessing post-secondary resources
- Supporting immigrant students and families
- Mental health support
- Know Your Rights – Emergency Planning



Questions to Consider

Are public elementary and secondary schools required to educate undocumented children?

- Yes. The U.S. Supreme Court decided in 1982 in *Plyler v. Doe* that undocumented children have a constitutional right to receive a free public K-12 education.

Must, may, or should a school district report an undocumented student to Immigration and Customs Enforcement (ICE)?

- No federal law requires school districts to report undocumented students to immigration authorities and arguably school districts are prohibited from reporting them under *Plyler v. Doe*.



Questions to Consider

Does a school district have to provide ICE information contained in student records about undocumented students?

- The Family Educational Rights and Privacy Act (FERPA) generally prohibits school districts from providing third parties such as ICE information about students contained in student records.

Does a school district have to allow ICE agents to interview students at school?

- In some circumstances, a school district may have to allow ICE agents to interview students at school, but ICE's policy is to generally avoid enforcement actions on school grounds.

Uncertain Future of DACA





Recommendations

First time DACA applicant?

- Recommended to NOT apply at this time
- Risk of being exposed to federal gov't for first time and losing application fee
- **Obtain legal assessment**

If you currently have DACA

- Recommended to renew as soon as possible
- Regardless if your renewal is recent or not
- Could provide added time for deferral from deportation
- **Obtain legal assessment**



Immigration Executive Orders under Trump

'Border Security'

- Calls for funds to build border wall – 700 miles already exist
- More immigration judges to the border
- Expands expedited removal
- 5,000 new Customs and Border Patrol agents

'Interior Security'

- Expands definition of who is deportable
- Calls for 287(g) program
- Sanctuary'/Welcoming cities could lose federal funding
- Secure Communities program
- 10,000 new ICE agents



Know Your Rights

Regardless of your immigration status, you have the right to:

- **Remain silent** – Show your Know Your Rights card!
- Speak with and be represented by an attorney
 - Immigration court: At your own expense
- Request a local telephone call
 - Memorize phone numbers of family/friends with legal status
 - *Preferably someone who knows or has your Emergency Plan*
- Contact your consulate – list of consulates and contact info is available at detention centers



Know Your Rights – What To Do

If you are in contact with law enforcement agents:

- **Give your name and birthdate:** You are not required to give this information, but it may be helpful if family members are trying to find you if you're in custody. **You do not need to answer any further questions.**
- **Memorize your ID numbers:** Jail ID#, 9-digit A-number – this will help your attorney or family locate you
- **Ask to speak to an attorney:** You have the right to an attorney. Disclose your immigration status **ONLY** to your attorney/public defender.



Know Your Rights – What NOT To Do

- **DON'T LIE.** Tell law enforcement agents you want to remain silent. Don't give explanation, excuses or stories.
- **NEVER claim to be a US citizen or LPR if you are not!**
- **DON'T SIGN** any document that you do not understand.
- **DON'T DISCUSS** your citizenship or immigration status with anyone other than your attorney.
- **DON'T PROVIDE FALSE DOCUMENTS.** Having false documents is a federal offense.

Source: Illinois Coalition for Immigrants and Refugee Rights (ICIRR); "Know Your Rights!" available at <http://www.icirr.org/about/get-involved/know-your-rights-and-organize>



If ICE Comes to Your Home

- **DO NOT OPEN THE DOOR** – You are NOT required to open the door *unless* ICE has a **warrant signed by a judge**. Ask them to show the warrant – slide it under the door or hold it up to the window.
- **If they have a warrant signed by a judge:** Do not resist, ask to speak with a lawyer
- **If they try to force your door open:** Write down the agents badge numbers and license plates

Sample Warrant Signed by a Judge

Depending on the warrant, the name and/or address of the person they are looking for should be in this area.

Dependiendo la orden. el nombre y/o la direccion de la person que estan buscando estara en esta area.

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

The Premises Known As,

Swift & Company, located at 1700 Highway 60 NE, Worthington, Minnesota, and all its appurtenances, parking areas, and outdoor working areas

Defendant.

The order should say why the warrant was issued.

La orden tiene que decir por qué se ha emitido.

CIVIL NO. 06mj457 JSM

ORDER
FOR WARRANT FOR
ENTRY ON PREMISES TO
SEARCH FOR ALIENS
WHO ARE IN THE UNITED
STATES WITHOUT LEGAL
AUTHORITY

The United States of America. having filed an application to


Sample Warrant Signed by a Judge (Cont'd)

IT IS FURTHER ORDERED that U.S. Immigration and Customs Enforcement shall conduct the entry and search during daylight hours with ten (10) days of the issuance of this warrant, and make its return to this Court with ten (10) days of the date the entry and search have been completed.

Dated: December 8, 2006

Make sure the date is recent (A few months)

Revise que la fecha sea reciente (De unos meses)


JANIE S. MAYERON
United States Magistrate Judge

Make sure it is signed by a JUDGE

Revise que este firmada por un JUEZ (Judge)

Sample ICE Warrant

U.S. Department of Justice
Immigration and Naturalization Service

Warrant of Removal/Deportation

This is a sample warrant
issued by INS/ICE

Este es un ejemplo de una
orden emitida por INS/ICE

File No: _____

Date: _____

To any officer of the United States Immigration and Naturalization Service:

(Full name of alien)

who entered the United States at _____

(Place of entry)

On _____

(Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

- an immigration judge in exclusion, deportation, or removal proceedings
- a district director or a district director's designated official
- the Board of Immigration Appeals
- a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:
Section 241(a)(5) of the Immigration and Nationality Act(Act), as amended.

Sample ICE Warrant -Cont'd

and pursuant to the following provisions of the Immigration and Nationality Act:
Section 241(a)(5) of the Immigration and Nationality Act(Act), as amended.

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Attorney General under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of the appropriation. "Salaries and Expenses Immigration and Naturalization Service 2002," including the expense of an attendant if necessary.

This warrant is NOT signed by a judge but by an INS (ICE) official. YOU DON'T HAVE TO OPEN THE DOOR!

Esta orden NO esta firmada por un juez si no por un oficial de INS (ICE). USTED NO TIENEN QUE ABRIR LA PUERTA!

(Signature of INS official)

(Title of INS official)

(Date and office location)

Form I-205 (Rev. 4-1-97)N



Family Immigration Planning

- Choose someone responsible to care for your children
 - Power of Attorney
- Have a plan in writing & make sure your family knows it
 - What is your plan in case you are in detention/deported?
- Have your documents ready and in a safe place
 - Passport, birth certificates, medical records
- Carry with you a list of important phone numbers, including your closest consulate office

Source: Illinois Coalition for Immigrant and Refugee Rights (ICIRR); "Know Your Rights!" presentation PowerPoint, available at <http://www.icirr.org/about/get-involved/know-your-rights-and-organize>


Know Your Rights Card

<p style="text-align: center;">Tarjeta De Derechos</p> <ul style="list-style-type: none"> • Le estoy dando esta tarjeta porque no deseo hablar o tener mas contacto con usted. • Yo elijo ejercer mi derecho a mantenerme callado y me niego a contestar sus preguntas. • Si me arresta, seguiré ejerciendo mi derecho a mantenerme callado y a negarme a contestar sus preguntas. • Yo quiero hablar con un abogado antes de contestar <p style="text-align: center;">Quiero contactar a este abogado/organización:</p> <hr/>	<p style="text-align: center;">IF YOU ARE INVOLVED IN AN ICE RAID REMEMBER:</p> <p style="text-align: center;">SI USTED ESTA ENVUELTO EN UNA REDADA RECUERDE:</p> <ul style="list-style-type: none"> • NO Warrant-DON'T open the door. NO orden de corteo, NO abra la puerta • DO NOT sign documents you don't understand. NO firme documentos que no entienda • REMAIN SILENT. MANTENGASE en silencio • REPORT the raid call our hotline! REPORTE la redada llame a la linea de ayuda! <p style="text-align: center;">www.icirr.org/riseup</p> <p style="text-align: center;">For more information please visit: Para más información por favor visite:</p>
<p style="text-align: center;">권리 카드</p> <ul style="list-style-type: none"> • 나는 당신에게 말하고 싶지 않거나 당신과 더 이상의 연락을 원하지 않기 때문에 이 카드를 당신에게줍니다. • 나는 침묵을 유지하고 질문에 답하지 않을 권리를 행사하기로 결정한다. • 당신이 나를 체포하면, 계속 침묵을 지키고 당신의 질문에 답하는 것을 거부 할 수 있는 권리를 행사할 것입니다. • 귀하의 질문에 답하기 전에 변호사와 이야기하고 싶습니다. • 이 변호사 또는 기관에 연락하고 싶습니다. 	<p style="text-align: center;"> ICIRR <i>Call the Family Support Hotline</i></p> <p style="text-align: center;"><small>ILLINOIS COALITION FOR IMMIGRANT AND REFUGEE RIGHTS</small></p> <p style="text-align: center;">1 (855) HELP -MY-FAMILY 1 (855) 435-7693</p> <p style="text-align: center;"><i>English - Español - 우리말 - Polish</i></p>
<p style="text-align: center;">Karta praw</p> <ul style="list-style-type: none"> • Daję Ci tą kartę ponieważ nie chcę z Toba rozmawiać ani mieć jakiegokolwiek kontakt z Tobą. • Chcę skorzystać z prawa do zachowania milczenia i odmawiam odpowiedzi na jakiegokolwiek pytania. • Jeżeli mnie aresztujesz, ja nadal będę korzystał z prawa do zachowania milczenia i odmówię odpowiedzi na jakiegokolwiek pytania. • Chcę porozmawiać z prawnikiem, zanim odpowiem na jakiegokolwiek pytania. • Chciałbym się skontaktować z tym prawnikiem / organizacją: <hr/>	<p style="text-align: center;">Rights Card</p> <ul style="list-style-type: none"> • I am giving you this card because I do not wish to speak to you or have any further contact with you • I choose to exercise my right to remain silent and to refuse to answer any questions • if you arrest me, I will continue to exercise my right to remain silent and to refuse to answer your questions • I want to speak with a lawyer before answering your questions <p style="text-align: center;">I would like to contact this attorney or organization:</p> <hr/>



Scholarship Guides for Undocumented Students

- www.illinoisdreamfund.org
- www.isac.org
- www.scholarshipamerica.org
- www.thedream.us
- www.e4fc.org
- www.icirr.org
- www.bit.ly/1qx2pDe
- www.theanheloproject.org

 **DREAMer's Roadmap**

Get it on Google play

Download on the App Store

DREAMer's Roadmap is a mobile app designed to help DREAMer's -undocumented students- find and track scholarship opportunities available for them across the nation. The app will also work as a crowd sourcing platform where anyone can suggest a scholarship they know about that are not on our data base.



Mental Health and Other Support

- 1-855-HELP-MY-FAMILY
- Crisis Text Line <http://www.crisistextline.org>
- The Trevor Project <http://www.thetrevorproject.org>
- National Suicide Prevention Lifeline 1-800-273-TALK (8255) and www.suicidepreventionlifeline.org
- CARES Crisis Line, SASS Services – Illinois crisis mental health services program for children and adolescents 1-800-345-9049 (voice), 773-523-4504 (TTY) and <http://www.dhs.state.il.us/page.aspx?item=64971>
- Crisis/Emergency Mental Health Providers across Illinois <http://www.dhs.state.il.us/page.aspx?item=30893>
- Center on Halsted <http://centeronhalsted.org>
- The Young Center for Immigrant Children’s Rights; www.youngcenter.org



Legal Assessment

- www.adminrelief.org
- www.ilisready.org
- Avoid notary publics and “immigration consultants”:
 - **IL Attorney General:** 1-800-386-5438
<http://www.illinoisattorneygeneral.gov/consumers/immigration.html>
 - **National Immigrant Justice Center:**
<https://www.immigrantjustice.org/how-avoid-immigration-fraud>
 - Ensure legal assessment provided by representatives certified by **Board of Immigration Appeals (BIA)**



Considerations

- **YES**, undocumented students can apply, be admitted and attend college
 - Not eligible to receive federal or state aid
 - In IL, financial assistance will only come from institutional aid (when available), private funding, family/self-support
- **NEVER** advise to use a false Social Security number
 - If an online application requires a SS#, fill in “000-00-0000”



Contact

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