



IMMIGRATION RESOURCES FOR TEACHERS AND EDUCATORS

Tools for teachers to provide and support immigrant students, their families, and the community

Resources for Teachers

Within the community, schools are a trusted institution that can provide resources and information to a wide audience.¹ Under the current administration and federal attempts to increase immigration enforcement efforts, there is a great amount of fear and stress within the immigrant community. In this critical role, teachers and educators can help reduce this fear, mitigate the stress, and empower the community by being informed and having the resources to share with students and the community. As teachers are the individuals interacting with students and their families on a daily basis, the following resources may be useful to educators as they work with students, parents, and community members. This packet can help disseminate material learned in trainings to make sure useful resources are in the hands of those who are best able to share this information.

A. Included Resources

The following materials are included in this packet:

- ❖ Presentation Slides – Overview of what teachers and immigrants can do and what their rights are.
- ❖ What Immigrant Families Can Do Now – Resource on what actions families can take to prepare for interactions with immigration enforcement.
- ❖ Plan de Protección Familiar – Resource in Spanish on what actions families can take to prepare for interactions with immigration enforcement.
- ❖ Help for Immigrants, Guidance for Schools – Information for schools about steps they can take to support students and the community.
- ❖ Using ILRC’s Red Cards – Handout for organizations on ways to use ILRC’s Red Cards.
- ❖ California Driver’s Licenses Once DACA Expires – Overview of the difference between an AB 60 and standard Class C driver’s license and how to switch between the two types.
- ❖ Family Preparedness Plan – Packet of resources for families to create a preparedness plan in case of an emergency.

B. Summary of Main Takeway Points

1. Remain silent
2. Don’t open the door
3. Speak with an attorney
4. Don’t sign anything
5. Don’t show false documents
6. Don’t get nervous and don’t run
7. Make a family plan
8. It’s your decision

C. Additional Resources

For additional resources, please visit ILRC’s Community Resource page at <https://www.ilrc.org/community-resources>.

To find immigration legal help and additional resources, please visit <https://ready-california.org/#1>.

¹ For questions or more information regarding this document, please contact Nikki Marquez at nmarquez@ilrc.org.

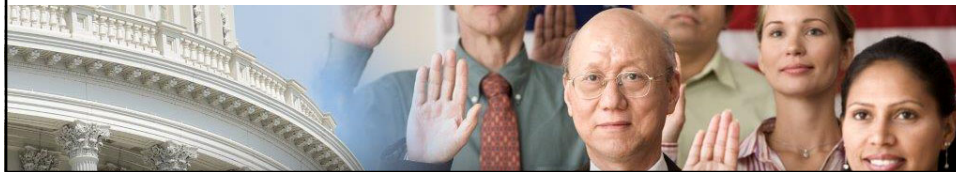


Working with Schools to Protect Immigrants

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Immigrant Legal Resource Center, www.ilrc.org



**Remain calm and
stay informed.**

Preparation will help reassure your students and their families, and reduce the overall fear and panic of the community.

Administration's Priorities

- Asking Congress for money to hire more ICE/border agents, construct new detention centers, build a wall, hire more immigration judges.
- ICE can arrest *any* undocumented person. *Officially* the highest priorities are people who were convicted or accused of any crime, or who ICE *thinks* committed any crime – or any other person ICE decides is dangerous.
- Partnering with local law enforcement and local agencies to tap into and utilize local resources.

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What Schools Can Do

- ICE will probably not come to your school
- But it's important to be prepared
- Preparation will help reassure your students and their families, and reduce the overall fear and panic of the community



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Right to a Free Education

- *Plyler v. Doe*
 - Public schools must provide the same free public education to undocumented students as they would to other children
 - Likely applies to all education services, such as special education and after school programs

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Concerns about ICE

- ICE on Campus
 - Fourth Amendment protections against unreasonable searches and seizures
 - Don't have to allow ICE on non-public parts of campus without a judicial warrant or probable cause
 - ICE Sensitive Places Memo
 - Reaffirmed internal policy against enforcement actions on school campuses, hospitals, places of worship, marches and protests
 - www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf



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Concerns about ICE

- ICE asking for student records
 - Federal Educational Rights and Privacy Act (FERPA)
 - Records are private, except directory information
 - Applies to all general inquiries for school records
 - Must disclose records if ICE has a judicial warrant
 - Can't share what you don't have



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Concerns about ICE

- Directory Information
 - Can, but don't have to, share directory information
 - Can define what is considered directory information
 - Allow families to opt out of inclusion in directory

Gaylord Balcom	Gaylord	Balcom
Hosea Jack	Hosea	Jack
Vera Fuselier	Vera	Fuselier
Kacy Poplar	Kacy	Poplar
Scottie Wallen	Scottie	Wallen
Deeanna Soukup	Deeanna	Soukup
Brant Dipaola	Brant	Dipaola
Jeffie Parnell	Jeffie	Parnell
Monte Heilig	Monte	Heilig
Terrell Metzger	Terrell	Metzger
Annelle Ziolkowski	Annelle	Ziolkowski
Lucia Tiger	Lucia	Tiger
Marybelle Ensign	Marybelle	Ensign
Carmen Caylor	Carmen	Caylor
Coretta Harris	Coretta	Harris
Melida Waiters	Melida	Waiters
Darlene Mund	Darlene	Mund
Minta Lofton	Minta	Lofton
Roxie Galyean	Roxie	Galyean
Theresa Hoaglin	Theresa	Hoaglin

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ICE in Schools

- Know your local policies
 - May limit cooperation or resource sharing with ICE
- Prop 58 (passed)
 - English-only education is no longer required for English learners
- CA AB 699 (proposed legislation)
 - Passed the legislature, waiting for Governor's signature
 - Schools cannot collect immigration info on students and families
 - Not allow ICE onto campus without judicial warrant
 - Adds immigration status to list of special characteristics protected under anti-discrimination and harassment laws

Concerns about ICE

Helpful
Tips

for practice and protocols:

- Do not collect immigration status of students, parents, and family members. You can't share what you don't have!
- Have a point person, e.g. the principal, to notify immediately if ICE comes on campus or asks for records.
- All students should be treated equitably
- Take into consideration immigration consequences of bringing law enforcement to campus.

What Organizations and Staff Can Do

- Under the current administration there is a renewed emphasis on ICE collaborating with local law enforcement
 - Exposure to the criminal and juvenile justice systems may also expose students to ICE
 - Review policies to see where and when clients might interact with police



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What Schools and Staff Can Do

- Provide resources and know what families can do now
 - Share resources with staff and teachers
 - Don't advertise "undocumented immigration" forums – people may be scared and won't show up

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What Schools and Staff Can Do

REMEMBER:

There is a very small chance that ICE will come to your school.

But this information will help schools be prepared, remain calm, and reassure your students and their families.

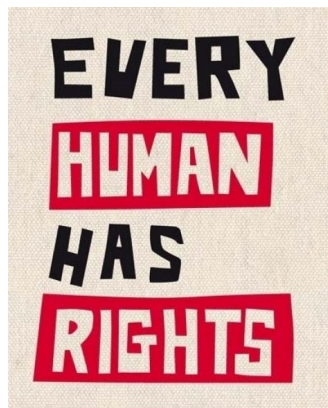
How can we help immigrants to protect themselves?

What Immigrant Families Should Do Now

What Immigrant Families Should Do Now

- Understand your rights and practice asserting them!
- Put a child care and family preparedness plan in place
- Figure out which documents you should and should not carry
- Talk to an immigration services provider about immigration options
- People should continue to avoid negative interaction with law enforcement. Something like a DUI or conviction related to drugs can have irreversible negative immigration consequences.

Legal Self-defense: Know Your Rights!



Every person has constitutional rights, regardless of immigration status, national origin, place of birth, etc.

5th Amendment: Right to Remain Silent

You have the right to remain silent.

You do not have to answer immigration's questions about your immigration status, place of birth, or anything else.



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4th Amendment: Searches and Seizures

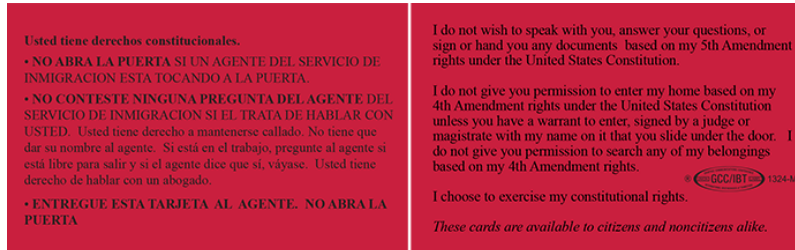
You don't have to open your door or let ICE into your home.

If a space is not open to the public, then ICE cannot enter.



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Know Your Rights



Order Red Cards in bulk at www.ilrc.org/red_cards

Child Care Plan

- Things to consider for parents:
 - Figure out who can pick up your children if you are unable to
 - Keep a file with important documents
 - Caregivers Authorization Affidavit
 - Registry of Birth

Notaries vs. Notarios

- Notario ≠ Notary
- A *notario* may mean something different to your students and their families
- Be aware of when you require notarizations
- Provide a list of low cost notaries

Eligible LPRs - Naturalize

There are many benefits including:

- Protection from deportation
- Ability to petition more family members
- Ability to petition some family members faster
- Ability to VOTE!



Undocumented – Screen for Relief

There are many options including some for:

- Those who have U.S. citizen or green card holder family members
- Those who have been abused by a U.S. citizen or green card holder family member
- Victims of certain crimes or forced work
- Those who are afraid to return to their home country
- And more!



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Address old convictions

- Trump will be prioritizing people with convictions – so it is important to consult with a post-conviction specialist to determine if there is anyway to clean up criminal records.
 - Obtain a copy of the criminal record from the local courthouse or from the state DOJ

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In summary...



- Remain silent
- Don't open the door
- Speak with an attorney
- Don't sign anything
- Don't show false documents
- Don't get nervous, don't run
- Make a family plan
- It's your decision

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Additional Resources

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Resources

- To refer someone to a nonprofit immigration law agency, see directory at <https://ready-california.org/#1>
- To download free printed community resources from the ILRC, go to www.ilrc.org/community-resources
- New Americans Campaign
<http://newamericanscampaign.org/>
- East Bay Naturalization Collaborative
<http://ebnatz.org/wp/>

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Resources

- ILRC's California Driver's Licenses Once DACA Expires <https://www.ilrc.org/california-driver%E2%80%99s-licenses-once-daca-expires>
- ILRC's What Do I Need to Know about the End of DACA <https://www.ilrc.org/advisory-daca>
- NILC's Health Care resources
<https://www.nilc.org/issues/health-care/>
- NILC's Public Benefit resources
<https://www.nilc.org/issues/economic-support/>

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Resources

- KYR and What Immigrant Families Should Do Now
<https://www.ilrc.org/know-your-rights-and-what-immigrant-families-should-do-now>
- CCSA's Protecting Undocumented and Vulnerable Students: <http://www.ccsa.org/2017/06/protecting-undocumented-and-vulnerable-students.html>
- Family Preparedness Plan:
<https://www.ilrc.org/family-preparedness-plan>
- ACLU: KYR When Encountering Law Enforcement
https://www.aclu.org/files/kyr/kyr_english.pdf

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Resources

- Post-Election Q&A for Advocates and Attorneys Serving Immigrant Survivors of Gender-Based Violence: <https://www.ilrc.org/post-election-qa-advocates-and-attorneys-serving-immigrant-survivors-gender-based-violence>
- UACs and EOs:
<https://www.ilrc.org/unaccompanied-minors-new-executive-orders>
- Rights of LPRs: <https://www.ilrc.org/rights-lawful-permanent-residents>

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Resources

- Post-Election Resource for Schools
<https://www.ilrc.org/post-election-resource-schools>
- Post-Election AB 60 KYR <http://driveca.org/post-election-know-your-rights-ab-60-drivers-license/>
- For a good model toolkit for school staff, see the California Primary Care Association handout
www.c pca.org/c pca/assets/File/Policy-and-Advocacy/Active-Policy-Issues/MSFW/2012-10-17-ICE-Raid-Summary-Updated.pdf



Immigrant Rights

What Immigrant Families Can Do Now

➔ Talk to an immigration services provider about your immigration options

Find immigration legal help on the Immigration Advocates Network's national directory of free or low-cost nonprofit immigration legal services providers at <https://www.immigrationlawhelp.org>

- If you have a green card, find out if you can become a U.S. citizen.
- If you are here on a visa, find out if you can get a green card.
- If you do not have immigration status, find out if you may be eligible to get a visa or work permit.
- If you have a criminal arrest or conviction, find out how it might affect your case, or if there is a way to erase it from your record.

➔ Make a child care and family preparedness plan (<https://www.ilrc.org/family-preparedness-plan>)

- Make sure all information and emergency contacts are up to date at your children's school(s) including who can and cannot pick up your children.
- Create a sheet of emergency numbers and contact information and a file of important documents so that you, your family or your emergency contact person can easily access them.
- Complete a caregiver's authorization affidavit so another adult can care for your children temporarily (available in California).
- Register your child's birth with your country's government (for example, with your country's consulate) if your child was born in the United States.

➔ Figure out which documents you should and should not carry with you

- If you have a valid work permit or green card, carry it with you at all times. If you do not have one, generally it is advisable to carry a municipal ID, state ID or driver's license if it was issued in the United States and contains *no information at all* about your immigration status or your country of origin. Ask a local immigration advocate about what kind of documents are safe to carry in your area.
- Do not carry any documentation about your country of origin.
- Do not carry any false identity documents or false immigration documents.
- At all times, carry a red card (<https://www.ilrc.org/red-cards>) to exercise your right to remain silent in case you are stopped or interrogated by ICE or police officers.

Everyone's Rights During an Immigration (ICE) Raid

Everyone – both documented and undocumented persons – have rights in this country.

➡ **Make sure you and others know what to do if approached by ICE officers.**

Inform your family members (even children), housemates, neighbors and co-workers, regardless of their immigration status, of their right to remain silent and all of these rights if ICE or the police comes to your home, neighborhood or workplace.

➡ **You have the right to remain silent.**

You can refuse to speak to an ICE agent. Do not answer any questions, especially about your birth place, immigration status or how you entered the United States. Say that you want to remain silent until you speak with a lawyer.

➡ **You have the right to demand a warrant before letting anyone into your home.**

Do not open your door to authorities without a warrant. You do not need to open the door unless an ICE agent shows you a warrant signed by a judge with your specific and correct name and address on it. If they say they have one, do not open the door for them to show it to you. Ask them to slip it under the door or through a window.

➡ **You have the right to speak to a lawyer and the right to make a phone call.**

➡ **You have the right to refuse to sign anything before you talk to a lawyer.**

Do not sign anything. That could eliminate your right to speak with a lawyer or have a hearing in front of an immigration judge. This may result in you being deported immediately without a hearing.

➡ **You have the right to refuse to show any documents before speaking with a lawyer.**

**Remain calm and do not try to run away.
If you do, ICE or the police may use that against you.**

What Allies Can Do During an Immigration Raid

➡ **If you can do so safely, take photos of, video record, document and report raids and arrests.**

- Obtain the names and phone numbers of any witnesses.
- Share information about the raid with your co-workers. If there is a union in your workplace, contact a union official.
- If ICE agents or police officers enter without a proper warrant, ask for their names and/or write down their badge numbers.

➡ **To report a raid, contact United We Dream's hotline 1-844-363-1423 or text 877877.**

- Report any incidents of raids or abuses/mistreatment by ICE, police or border patrol.



PLAN DE PROTECCIÓN FAMILIAR: TRANQUILOS, INFORMADOS, PREPARADOS, Y SEGUROS – TIPS

Febrero 2017
Por el Immigrant Legal Resource Center

TRANQUILOS

- El presidente no puede cambiar las leyes, pero si puede crear políticas.
- Solo el Congreso puede crear o modificar leyes de inmigración.
- 41 senadores pueden detener cualquier propuesta de ley de inmigración.
- Trump no puede eliminar beneficios de inmigración establecidos por ley, como visas familiares, la visa U, o el asilo.
- Para la mayoría de personas indocumentadas, el riesgo de ser deportado es mínimo, sobre todo si están...

INFORMADOS Y PREPARADOS

1. Informase sobre sus Opciones de Inmigración

Consulte con un proveedor de servicios legales de confianza para entender sus opciones legales y si califica para algún beneficio de inmigración. **No un notario.** Opciones incluyen: visas familiares, Visa U, y **para defenderse en la corte de inmigración si es necesario:** cancelación de deportación (cancellation of removal) y el asilo. Puede llenar un cuestionario gratis en <http://iamerica.org/es/immigration> para orientarse sobre posibles opciones y recibir referencias de servicios legales en su área.

2. Conozca Sus Derechos en caso de tener contacto con ICE

Todos, sin importar nuestro estatus legal, tenemos derechos constitucionales ante las autoridades de inmigración.

- **Guarde Silencio:** Permanezca callado.
- **No Abra la Puerta:** Si llegan agentes de inmigración a su casa.
- **No Firme Nada.** Tiene derecho consultar con un abogado.

Puede entregar la tarjeta roja a un agente de inmigración informándole que tiene el derecho de no contestar sus preguntas y de no dejarle entrar a su casa. Vea <https://www.ilrc.org/red-cards>.

3. Evite Arrestos y Cargos Criminales

Evite contacto negativo con la policía. Personas con una convicción por un DUI, violencia doméstica, posesión de drogas u otros delitos corren mucho más riesgo. Arrestos u otro contacto con la policía puede exponer a uno a las autoridades de inmigración.

4. Únase a un Grupo Comunitario

La comunidad es una gran fuente de fuerza, conocimiento, y poder. Si actúa en conjunto, puede ayudar a más personas.

5. Tenga un Plan Familiar

- Tenga un plan para el cuidado de sus **hijos**. Ponga personas responsables en la lista de contactos de emergencia que mantiene la escuela de sus hijos. Complete un "Caregiver's Authorization Affidavit" que es una declaración que permite una persona responsable hacer cosas básicas para sus hijos.
- Memorice el teléfono de un amigo, familiar, o abogado al que pueda llamar en caso de detención.
- Guarde sus documentos importantes (actas de nacimiento, documentos migratorios) en un lugar seguro, donde un amigo o familiar los pueda encontrar.

- Haga una **Carta de Poder** para autorizar a una persona responsable cuidar de sus niños y tomar decisiones en su nombre.
- Registre a sus hijos nacidos en los Estados Unidos en el consulado de su país de origen.

6. En caso de Detención por ICE

¡Tranquilos! El riesgo de ser detenidos es mínimo. Pero más vale prevenir que lamentar.

- ✓ Siga su Plan de **Defensa Legal** (y ayuda legal)
- ✓ **No acepte la Salida Voluntaria sin el consejo de un abogado**
- ✓ Pida una audiencia en la corte frente a un juez de inmigración
- ✓ **Ahorre \$\$** para pagar una **fianza**
- ✓ Asegúrese de que sus seres queridos lo puedan localizar si usted es detenido:
 - Use el localizador de detenidos de ICE (<https://locator.ice.gov/odls/homePage.do>)
 - Llame a la oficina local de ICE (<https://www.ice.gov/contact/ero>)
- ✓ Asegúrese de tener su número de extranjero (*A#*), *si tiene uno*, donde lo pueda localizar con facilidad

Complete una **Carta Firmada** declarando que quiere una audiencia y no acepta salida voluntaria o deportación sin una audiencia.

Ejemplo:

I, [NOMBRE], want to exercise my right to have an immigration court hearing. I do not accept either voluntary departure or removal (deportation) without having a court hearing.

**

Quiero ejercer mi derecho de tener una audiencia en la corte de inmigración. No acepto ni la salida voluntaria ni la deportación sin tener una audiencia.

NAME/NOMBRE

SIGNATURE/FIRMA

DATE/FECHA

Cosas que Debe Llevar Consigo para Estar Preparado

1. **Tarjeta de Teléfono Pre-Pagado con a lo menos 200 minutos.** Guarde el número de teléfono y código de la tarjeta en un papel porque si es detenido, es probable que no lo dejen quedarse con la tarjeta plástica. Así, va a poder hacer llamadas desde un teléfono público que hay en muchas cárceles y centros de detención.
2. **Números de teléfonos importantes**, incluyendo los números de abogados y de amigos o familiares.
3. **La tarjeta roja** para informar a un agente de inmigración que está ejerciendo su derecho de no hablar con él.



Help for Immigrant Families

Guidance for Schools

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

What Can Schools Do to Help?

➔ Reassure students and families

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

➔ Encourage families to find out about their immigration options

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

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

➔ Encourage families to find out about their rights

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

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

➔ Encourage families to prepare

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

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

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

➔ Host community events at schools

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

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

Case Studies: Outreach and Legal Services in LA Schools

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

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

➡ Make resources and information available

Materials you can share with immigrant families include:

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

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

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

➡ Make schools safe spaces from immigration enforcement

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

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

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

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

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

For more information see:

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

Case Study: SFUSD's Policy Restricting ICE Access

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

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

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

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

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



USING RED CARDS

Ways to use ILRC's Red Cards in your organization's work to increase Know Your Rights awareness

All people in the United States, regardless of immigration status, have certain rights and protections under the U.S. Constitution.¹ The Immigrant Legal Resource Center created the Red Card² to help people assert their rights and defend themselves against ICE's (Immigration and Customs Enforcement) unconstitutional actions. Below is a list of ways organizations can use Red Cards to share this important information with their clients and communities.

Know Your Rights Workshops

Red Cards can be included as materials to pass out during Know Your Rights (KYR) workshops, along with a list of legal resources and other useful information. During KYR workshops, use the Red Cards to help participants practice exercising their rights through skits playing out different ICE encounter scenarios. Act out how a person can use a Red Card if ICE comes to their door or stops them in the street. If you are giving a presentation, use the artwork for the Red Card to include in PowerPoint presentations. The ILRC has scripts for these workshops at <https://www.ilrc.org/know-your-rights-script-skit-spanish>.

Client Intakes and Appointments

During intake interviews and appointments, give clients Red Cards for themselves, their families, and their friends. Explain what the Red Cards are and provide several cards to clients at the conclusion of an appointment.

In the Waiting Room at Your Office

Keep a stack of Red Cards in your office waiting room or at the front desk for clients to take. You can also use the Red Card artwork from the ILRC website to print posters or flyers to put up on your office walls.

Incorporate Into Your Resources

Include Red Cards and/or their image into resources your organization develops for clients. If you provide handouts or information sheets, include the Red Card. Have the text or the image of Red Cards printed on resources such as worksheets, lists of referral organizations, and action plans.

As Advertising Material

When handing out information advertising KYR presentations and other community events, distribute Red Cards with promotional flyers or include the artwork for the cards on flyers promoting an event. People interested in learning more can then attend.

¹ For questions or more information regarding this document, please contact Nikki Marquez at nmarquez@ilrc.org.

² For more information about ILRC's Red Cards, please visit: <https://www.ilrc.org/red-cards>.



CALIFORNIA DRIVER'S LICENSES ONCE DACA EXPIRES

Options for DACA holders whose driver's licenses expire when their DACA expires

I. Introduction¹

On September 5, 2017, President Trump announced that the Deferred Action for Childhood Arrivals (DACA) program would be phased out over the next two and a half years.² This means that, as of September 5, 2017:

- All pending initial DACA applications accepted as of September 5, 2017 will be processed.
- All other new initial DACA applications will be rejected.
- All pending renewal DACA applications accepted as of September 5, 2017 will be processed.
- Renewal DACA applications received by October 5, 2017 will be accepted and processed only for cases where DACA expires between September 5, 2017 and March 5, 2018, inclusive.
- DACA recipients whose DACA already expired before September 5, 2017 are no longer eligible to renew.
- All DACA recipients may still file to replace (not renew) a lost, stolen, or destroyed EAD by filing Form I-765.
- All initial and renewal DACA applications received after October 5, 2017 will be rejected.

For more details, please see the ILRC community advisory, available at <https://www.ilrc.org/advisory-daca>; DHS's memorandum on the rescission of DACA, available at <https://www.dhs.gov/news/2017/09/05/memorandum-rescission-daca>; and DHS's Frequently Asked Questions (FAQ) on the end of DACA, available at <https://www.dhs.gov/news/2017/09/05/frequently-asked-questions-rescission-deferred-action-childhood-arrivals-daca>.

The end of the DACA program has drastic consequences for DACA holders across the United States. One area of concern is around whether DACA recipients will still be eligible for driver's licenses, and thus authorized to drive lawfully. Currently, DACA recipients are eligible for driver's licenses in all 50 states. Those licenses are often tied to DACA status, however, so as DACA expires, so might those licenses. This practice advisory will address the driver's license options for DACA holders in California,

with information on what will happen when DACA expires, and step-by-step instructions on how to switch licenses if necessary.

I. What will happen to my driver's license when my DACA expires?

In California, if you have DACA you are eligible to apply for either a standard Class C license or an AB 60 driver's license. An AB 60 driver's license is a license issued by the Department of Motor Vehicles (DMV) to any California resident who is eligible, regardless of immigration status. More details about the AB 60 license are available at: https://www.ilrc.org/sites/default/files/resources/ab_60_4_27_15.pdf.

When your DACA expires, the status of your driver's license will depend on what type of license you have.

AB 60 license:

If you have an AB 60 license, it will not be affected by a change in your DACA or any other immigration status. If your DACA status expires or is terminated, your AB 60 license is still valid and unaffected.

Standard Class C license:

If you have DACA and a Class C license, your Class C license expiration date is likely tied to the expiration date of your DACA; when your DACA expires, so will your license. If the expiration dates are different, your Class C license is valid until the expiration date on the license. Once your Class C driver's license expires, you will not be able to renew your driver's license unless you can show lawful immigration status.

II. Can I switch my standard Class C driver's license to an AB 60 license?

Yes. When your standard Class C driver's license expires, you can apply for an AB 60 license. You can then switch it back to a standard Class C license if you gain lawful immigration status. Here's how to switch licenses:

Step 1: Schedule an in-person appointment for an *original* (new) driver's license, even if you already have a driver's license. You can do this by calling the DMV at 1-800-777-0133 or scheduling an appointment online at www.dmv.ca.gov.³ You will only be able to receive an AB 60 license once your regular license expires, although you can start the process beforehand.

Step 2: Attend your appointment where you will have to pay the current fee (\$33). You will need to bring the required documents for an AB 60 license (see DMV's guide: https://www.dmv.ca.gov/portal/wcm/connect/11a86d62-f848-4012-bc7d4192bdef4f00/doc_req_matrix.pdf?MOD=AJPERES). In most cases, you will not have to re-take a vision test, written test, or driving test. However, in some cases there may be something in your driving record or file that

causes the DMV to ask you to re-take one or more of the tests. For more information, see the DMV's Frequently Asked Questions on licenses for lawful immigrants:

<https://www.dmv.ca.gov/portal/dmv/detail/daca>.

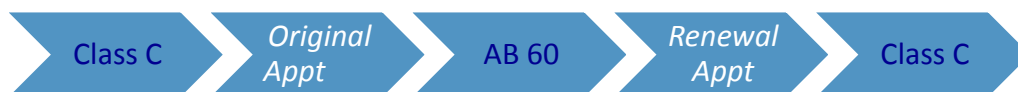
Step 3: If your Class C license has not yet expired when you have your appointment, you may qualify for an extension that will allow you to drive while waiting for the AB 60 license. If your Class C license has expired while you are waiting for the AB 60 license to be issued, you may be given a permit that will allow you to drive if accompanied by a licensed driver.

Step 4: You can use your AB 60 license to drive in California and as a form of ID for state purposes in California.

Step 5: If you are able to gain lawful immigration status, you can continue to use your AB 60 license or you can switch back to a standard Class C license. To switch back to a Standard Class C license, make a *renewal* appointment at the DMV.

Step 6: Attend your renewal appointment. Bring documentation showing your immigration status. At this appointment, you will not have to pay a fee and you will not have to re-take the written test. The DMV will process your renewal and switch your license from an AB 60 to a standard Class C license.

To change between an AB 60 and Class C Driver's License the first time you must apply for a new license. To change a second time or switch back to the type of license you had before is a renewal.



III. Can I switch to an AB 60 license before my Class C license expires?

You can start the application process for an AB 60 license (see steps 1-3 above) before your Class C license expires, but you will not be able to obtain an AB 60 license until the Class C license expires. We recommend beginning the process before your Class C license expires so that there is no gap between the two licenses.

IV. I have DACA. Is it better for me to apply for an AB 60 license or a standard Class C license?

It is your decision; however the AB 60 license will continue to be valid even after the DACA program ends. Both driver's licenses are valid in California. An AB 60 license has some restrictions, but it is valid for five years. A standard Class C license's validity is tied to your DACA grant and will expire with it. The chart on the next page compares the two types of licenses.

	AB 60	Standard Class C
How much does it cost?	\$33	\$33
Can I drive in CA	Yes	Yes
Can I drive outside of CA?	No	Yes
Can I use it as an ID?	Yes in CA for state purposes. No outside of CA. No for Federal purposes (even in CA).	Yes
How long is the license good for?	5 years	usually until your DACA expires (check the license to be sure)
Do I need to take a written test?	Yes	Yes
Do I need to take a driving test?	Maybe. If you had a valid driver's license within the past 10 years you might not have to take the driving portion of the exam.	Maybe. If you had a valid driver's license within the past 10 years you might not have to take the driving portion of the exam.

End Notes

¹ Thank you to ILRC intern Elisa Vari for her research assistance. For questions regarding the content of this advisory, please contact Alison Kamhi at akamhi@ilrc.org or Nikki Marquez at nmarquez@ilrc.org.

² DHS, *Rescission of Deferred Action for Childhood Arrivals (DACA)*, (Sept. 5, 2017) available at <https://www.dhs.gov/news/2017/09/05/rescission-deferred-action-childhood-arrivals-daca>.

³ DMV, *Driver's Licenses for Individuals with Lawful Presence Frequently Asked Questions*, available at <https://www.dmv.ca.gov/portal/dmv/detail/daca>.



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About the Immigrant Legal Resource Center

The Immigrant Legal Resource Center (ILRC) works with immigrants, community organizations, legal professionals, law enforcement, and policy makers to build a democratic society that values diversity and the rights of all people. Through community education programs, legal training and technical assistance, and policy development and advocacy, the ILRC's mission is to protect and defend the fundamental rights of immigrant families and communities.



Family Preparedness Plan

Every family should have a Family Preparedness Plan. While it is our hope that you never have to use your plan, it is a good practice to have one in place to help reduce the stress of the unexpected. This packet will help everyone create a Family Preparedness Plan, regardless of immigration status. However, because of the additional challenges immigrant and mixed status families face, we also have additional advice for immigrants.

➔ Make a Child Care Plan

Have a plan so that a trusted adult can care for your child if you cannot. This plan should include emergency numbers, a list of important contact information and a file with important documents. This packet includes templates to put together these documents. Whether you want your child to accompany you to your home country in the event you face deportation, or wish for your child to stay in the United States in the care of another trusted adult, you should begin planning to make these arrangements. This packet includes information about the options available to create an informal or formal care arrangement for your child in California.

➔ Find Out About Your Immigration Options

Information and resources to find good immigration legal help is included in this packet.

- If you have a green card, find out if you can become a U.S. citizen.
- If you are here on a visa, find out if you can get a green card.
- If you do not have immigration status, find out if you may be eligible to get a green card, visa or work permit.
- If you have a criminal arrest or conviction, find out how it might affect your situation, or if there is a way to erase it from your record.
- If you are detained or put into deportation proceedings, ask for a hearing in front of a judge to get out of detention and to fight your deportation.

➔ Know Your Rights

Everyone – both documented and undocumented persons – have rights in this country. Make sure you, your family members (even children), housemates, neighbors, and co-workers, regardless of their immigration status, know of their right to remain silent and all of their other rights if ICE or the police come to your home, neighborhood or workplace. A list of these rights, and a card asserting these rights, are included in this packet.

Child Care Plan

➔ Talk to Your Children About Your Plan

Without worrying them, assure your children that they will be taken care of if for some reason you are unable to care for them, even for a short period of time. Let them know who will care for them until you can.

➔ Decide Who Can Care for Your Children if You Are Unable To

Ideally, the person you designate to care for your children is a U.S. citizen or someone with immigration status who does not also face the threat of detention or deportation. Make sure that person knows they will be listed as an emergency contact and knows how to access all of your important documents and information. Memorize that person's phone numbers and have your children memorize them too.

Make sure your children know who can pick them from up school, who cannot pick them up from school, and who will care for them.

Your child's school may only release your child to adults you designate. Therefore, make sure to regularly update all school, afterschool, day care, summer camp, and other programs' emergency contact sheets and release forms to include the names of those who can and cannot pick up your children. If you have a restraining order against anyone, make sure to give a copy of it to the school.

Make sure the people who can pick up and care for your children are up to date on your child's location and school. Provide them with all of the **Important Children's Information** contained in the sample form in this packet.

➔ Write Down Instructions if Your Child Has Any Medical Conditions and /or Takes Any Medications

Make sure to write down any medical conditions or allergies your child has, any medications that your child takes, as well as doctor and health insurance information. Keep a copy of this information in your important documents file. Give a copy to your child's school and the adult you designate to care for your children. Let your child know where to find this information if you are not around.

➔ Decide What Kind of a Child Care Plan You Want to Put in Place

If you plan for your children to remain in the United States with another caretaker if you are detained or deported, decide whether to prepare a formal or informal child care plan.

There are various ways to plan for another adult to care for your child if you are unable to do so.

Verbal Agreement. The most informal arrangement is to let another adult know of your wishes for your child and to **verbally agree with that adult that they will carry out your wishes and care for your child** if you cannot. The benefit of this is that it is informal and easy – you need not complete any forms or legal documents, and such an agreement will not affect your parental rights. The downside of this informal arrangement is that the other adult who you choose to care for your child will not have legal authority to make medical or school-related decisions on behalf of your child, which would be problematic if you were deported and unable to care for your child for an extended period of time.

Caregiver’s Authorization Affidavit (“CAA”). The next option in California is to not only get another adult’s verbal agreement to care for your child in the event you are unable, but to have that adult complete a **Caregiver’s Authorization Affidavit (“CAA”)** that will allow them to make certain school and medical decisions on behalf of your child. The benefits of this approach include: the CAA can be given to your child’s school or health care provider so that the person you choose as the caregiver can make certain decisions for the child, and it does not affect your parental rights (you still have custody and control of your child). More information about the CAA and a form you can use are included at the end of this packet. ***Please note: the Caregiver’s Authorization Affidavit is for use in California only.***

Guardianship. The most formal arrangement you can make for your child if you are not available to care for them is to **have a court appoint a guardian for your child**. The benefit of a guardianship is that once someone has been appointed as a guardian by a California Probate Court, that person has full legal and physical custody of your child, meaning they “step into the shoes” of the parent and can make decisions on behalf of your child. (When a guardian is appointed, this does not terminate parental rights, it just suspends them while the guardianship is in place.) However, the drawback of a guardianship is that because it is a formal arrangement put in place by the Probate Court, if you want to terminate the guardianship and get your parental rights back, you must file a petition in the Probate Court requesting the court to do so, and it will be up to the judge to decide whether to terminate the guardianship.

Keep in mind that you cannot grant another person guardianship of your child informally or through a power of attorney – only a state court can do that. However, you can prepare a Form GC-211 to nominate a specific person to be the guardian of your child. The court will then consider the Form GC-211 if/when a guardianship petition is filed. You can also make the nomination conditional upon your detention and/or deportation by completing an attachment to the form GC-211 that specifies when the nomination will be effective. For a sample GC-211 and attachment, and additional information about guardianships, see Bet Tzedek Legal Service’s [“How to Prepare for a Family Emergency Under the Trump Administration.”](#) Nominating someone else to have legal custody of your child is a serious decision; **you should talk to an attorney before taking this step.**

A Note on Power of Attorney. A power of attorney is a written document that you can sign to grant another person the authority to act on your behalf in specified ways. For example, a power of attorney may be used to designate another person to handle your finances, make business decisions, use your money to pay your rent or mortgage, use your money to provide for your child, and similar actions. **In California, we do not recommend that a power of attorney be used as a way to designate another person to care for your child.** While a power of attorney may be a good option in other states, in California, it cannot be used to transfer custody of your children to another person (only a state court can do that). It may be possible to use a power of attorney to grant someone else the authority to make medical and educational decisions on behalf of your child, but in California completing the Caregiver's Authorization Affidavit is a simpler and less costly way to do the same thing. If however you wish to give someone else the authority to access and use your finances in order to care for your child (a very serious decision that you should discuss with an attorney), you may wish to use a power of attorney.

Want to Do Even More?

You can also **register your child's birth** with your country's government (for example, with your country's consulate) if your child was born in the United States. This may grant your child benefits, including citizenship in your home country in some cases.

➔ Make Sure Your Children All Have Passports

If your child was born in the United States, visit www.travel.state.gov for more information on obtaining a U.S. passport.

If your child was born in your home country, check with your embassy or consulate for more information on obtaining a passport.

➔ Inform Your Family and Emergency Contacts About How to Find You if You Are Detained by ICE

Family members can use the ICE detainee locator: <https://locator.ice.gov/odls/homePage.do>. Be sure your family and emergency contacts have a copy of your A-Number (your alien registration number found on your immigration documents from ICE) if you have one.

Important Children's Information

Keep this information so those you designate to care for your children in your absence have all of the information they need.

Child's Name	
Date of Birth	
Child's Cell Phone Number (if applicable)	
School	
School Address	
School Phone Number	
Teacher's Name	
Classroom Number	
Afterschool Program	
Afterschool Program Phone Number	
Other Camp/Sports/Program	
Other Camp/Sports/Program Phone Number	
Allergies	
Medical conditions	
Medications	
Doctor's Phone Number	
Doctor's Address	
Health Insurance	

Emergency Numbers and Important Contact Information

Keep this information in one place so that you and your family can access it easily.

Emergency Numbers	
Immediate Emergency	911
Police Department	
Fire Department	
Poison Control	
Family Contacts	
Mother/Parent/Guardian	
Home Phone	
Cell Phone	
Work Address	
Work Phone	
Father/Parent/Guardian	
Home Phone	
Cell Phone	

Work Address	
Work Phone	
Other Emergency Contact and Relationship	
Cell Phone	
Other Emergency Contact and Relationship	
Cell Phone	
Other Emergency Contacts and Relationship	
Cell Phone	

Miscellaneous Contacts	
Doctor	
Phone Number	
Health Insurance Company	
Policy Number	
Pediatrician	
Phone Number	
Health Insurance Company	
Policy Number	
Dentist	
Phone Number	
Dental Insurance Company	
Policy Number	
Car Make/Model	
License Plate Number	
Car Insurance Company	
Insurance Policy Number	
Phone Number	
Consulate	
Address	
Phone Number	
Attorney/Nonprofit Legal Services Provider	
Address	
Phone Number	
Church/Temple/Mosque/Place of Worship	
Address	
Phone Number	

File of Important Documents

Keep a file of all of these documents or a copy of these documents in a safe place. Tell your children, family members and emergency caregiver where to find this file in an emergency.

- Passports
- Birth Certificates
- Marriage License (if applicable)
- Caregiver's Authorization Affidavit
- Any Restraining Orders you may have against anyone (if applicable)
- A-Number and any immigration documents (work permit, green card, visa, etc.)
- Documents demonstrating your residence in the United States and amount of time you have been physically present in the United States
- Driver's License and/or Other Identification Cards
- Social Security Card or ITIN number
- Registry of birth (for U.S. born children registered in parent's home country)(if applicable)
- Important Children's Information
- Emergency Numbers and Important Contact Information
- Children(s)' Medical Information, including health insurance, medication list, and doctor's contact information
- Any other documents you would want to be able to quickly find

Find Out About Your Immigration Options

Find a local, nonprofit legal services organization that can help you find out if there is an immigration option for you to get a green card, work permit or visa, or protect you from deportation. Also, keep a list of these local organizations in case you ever have a problem with ICE. These organizations have attorneys who may be able to help you.

Warning! Protect Yourself from Fraud!

Only a licensed attorney or accredited representative is authorized and qualified to assist you with your immigration case. Do not hire anyone who:

- Refuses to give you a written contract;
- Charges you for blank immigration forms;
- Promises you a good result because of their special contacts at Immigration;
- Pretends to be a qualified lawyer or bonded immigration consultant;
- Asks you to lie on a form or sign a blank document; or
- Charges you to “get on a waiting list” or “put your application in line.” There is no list. There is no line.

If you suspect fraud, report it to your consulate or the police, or contact the Federal Trade Commission to file a complaint in English or Spanish at 877-FTC-HELP (877-382-4357). Visit Stop Notario Fraud for more information and resources: <http://www.stopnotariofraud.org/>

Do what you can now to protect you and your family in the United States.

- If you have a green card, find out if you can become a U.S. citizen.
- If you are here on a visa, find out if you can get a green card.
- If you do not have immigration status, find out if you may be eligible to get a visa or work permit. Also, review what to do if approached and questioned by ICE.
- If you have a criminal arrest or conviction, find out how it might affect your situation, or if there is a way to erase it from your record.
- If you are detained or put into deportation proceedings, ask for a hearing in front of a judge to get out of detention and to fight your deportation.

Find a Legal Services Provider

The Immigration Advocates Network National Immigration Legal Services Directory lists nonprofit organizations that provide free or low-cost immigration legal services. You can use it to find an immigration service provider near you for a consultation.

<https://www.immigrationadvocates.org/nonprofit/legaldirectory/>

Find an Info Session or Immigration Workshop Near You

Ready California is a collaboration of California nonprofits organizations across the state. You can use the Ready California website to find local organizations as well as an events calendar that lists free immigration events throughout the state. These events may be DACA renewal workshops, Know Your Rights presentations, or Post-Election forums.

<http://ready-california.org/events-calendar/#1>

Know Your Rights

**Remain calm and do not try to run away.
If you do, ICE or the police may use that against you.**

Everyone – both documented and undocumented persons – has rights in this country. Talk to everyone in your family (including children) and household to make sure they all know what to do if approached by immigration officials (ICE) or if immigration officials (ICE) come to your house.

➔ ICE at Your Door

Do not open the door for ICE or any police officer without a signed warrant. You do not need to open the door unless an ICE agent can show you a warrant *signed by a judge with your specific and correct name and address on it*. If ICE knocks on your door, ask them to slide the search warrant under the door or show it through a window. Make sure the warrant is signed by a judge and has your address on it. If ICE or the police do not have this, then you do not have to open the door. Once you open the door, you lose certain rights.

Keep a Know Your Rights red card on you and by your door at all times. You can slide it under the door to ICE, show it to ICE, or read the English side of the card to ICE – it explains your rights and that you do not have to open the door. Have your children and other family members practice showing it or sliding it under the door.

<p>Usted tiene derechos constitucionales.</p> <ul style="list-style-type: none">• NO ABRA LA PUERTA SI UN AGENTE DEL SERVICIO DE INMIGRACION ESTA TOCANDO A LA PUERTA.• NO CONTESTE NINGUNA PREGUNTA DEL AGENTE DEL SERVICIO DE INMIGRACION SI EL TRATA DE HABLAR CON USTED. Usted tiene derecho a mantenerse callado. No tiene que dar su nombre al agente. Si está en el trabajo, pregunte al agente si está libre para salir y si el agente dice que sí, váyase. Usted tiene derecho de hablar con un abogado.• ENTREGUE ESTA TARJETA AL AGENTE. NO ABRA LA PUERTA	<p>I do not wish to speak with you, answer your questions, or sign or hand you any documents based on my 5th Amendment rights under the United States Constitution.</p> <p>I do not give you permission to enter my home based on my 4th Amendment rights under the United States Constitution unless you have a warrant to enter, signed by a judge or magistrate with my name on it that you slide under the door. I do not give you permission to search any of my belongings based on my 4th Amendment rights.</p> <p>I choose to exercise my constitutional rights.</p> <p><i>These cards are available to citizens and noncitizens alike.</i></p>
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➔ Talking to ICE

You do not have to talk to ICE or answer their questions. **You have the right to remain silent and can refuse to answer ICE's questions.** Say that you want to remain silent until you speak with a lawyer. Do not answer any questions, especially about your birth place, immigration status or how you entered the United States. Do not give ICE any personal information about yourself or anyone in your family. Have your children and others in your family and household practice saying "No" to ICE.

You have the right to refuse to sign anything before you talk to a lawyer. Do not sign anything you do not understand and agree with. That could eliminate your right to speak with a lawyer or have a hearing in front of an immigration judge. This may result in you being deported immediately without a hearing.

Ask to speak with your lawyer and to go before the immigration judge. **You have the right to speak to a lawyer and the right to make a phone call.** Make sure to memorize or carry with you at all times the phone numbers of the person you will call in an emergency. Ideally, this person would be someone who can put your plans and wishes into place, call your immigration attorney, and access all of your important documents.

➔ Other Resources

Your Country's Consulate

Have the contact information for your country's nearest consulate. Many consulates have an emergency number for cases where you need immediate assistance from the consulate. Have that number written down in case ICE detains you.

Know Your Rights Materials and Other Resources

There are a lot of resources available to teach you about your rights. Below are just a few places to start looking if you want to learn more about immigration law.

- **Informed Immigrant:** <https://www.informedimmigrant.com/>
- **Immigrant Legal Resource Center (ILRC):** <https://www.ilrc.org/community-resources>
- **National Immigration Law Center (NILC):** <https://www.nilc.org/>

Documents You Should and Should Not Carry With You

- Carry a valid work permit or green card, if you have one. If you do not have one, generally it is advisable to carry a municipal ID, state ID or driver's license if it was issued in the United States and contains no information at all about your immigration status or your country of origin. Ask a local immigration advocate about what kind of documents are safe to carry in your area.
- Carry a red card to exercise your right to remain silent in case you are stopped or interrogated by ICE or police officers.
- Carry the telephone number of someone who can put your plans and wishes into place, call your immigration attorney, and access all of your important documents in an emergency.
- Do not carry any documentation about your country of origin.
- Do not carry any false identity documents or false immigration documents.

Caregiver's Authorization Affidavit Instructions

Please note: the Caregiver's Authorization Affidavit is for use in California only.

➔ Who completes and signs the Caregiver's Authorization Affidavit (CAA)?

The person who will be acting as your child's caretaker completes and signs the CAA. **The parent does not need to sign the CAA.** It is a good idea to have the person that you want to care for your child fill out the CAA in advance, but they should not sign or date it unless or until they need to use it (for example, only if you are actually detained or deported).

➔ Using the CAA, who can serve as a caregiver?

Any person, relative or non-relative, who is 18 years of age or older who completes the CAA may serve as a caregiver.

➔ What can the CAA be used for?

If the CAA is completed by a **non-relative**, it will allow that person to enroll your child in school and to consent to school-related medical treatment. School-related medical treatment includes immunizations, physical exams and medical exams conducted in school.

If the CAA is completed by a **relative** (including a grandparent, aunt, uncle, or other qualified relative of the minor (see the back of the CAA template in this packet for the full definition of "qualified relative")), it will allow that person to enroll your child in school, consent to school-related medical treatment, and consent to most other forms of medical and dental care for your child.

➔ Does my child have to live with caregiver for the CAA to be valid?

Yes, in order for the CAA to be valid, your child needs to live with the caretaker. (Of course, the child does not need to live with the caregiver, and the caregiver does not need to use the CAA, unless and until you are no longer available to care for your child.) If your child stops living with the caregiver, the caregiver must notify any school, health care provider, or health care service plan that has been given the CAA. The CAA is invalid after the school, health care provider, or health care service plan receives notice that your child is no longer living with the caregiver.

➔ Does the CAA need to be notarized?

No, the CAA does not need to be notarized. There have been reports that some schools want a notarized copy of the CAA, but that is not required by law. **Also, remember that the CAA is signed only by the caretaker, not by the parent(s).**

➔ **Should I give the CAA to my child's school and medical providers now and ask them to keep it on file?**

No, the CAA should not be given to your child's school or medical providers unless and until your child is living with the caretaker, and you as the parent are not available to make school and medical decisions for your child.

➔ **Does the CAA expire?**

Yes, the CAA will expire one year after the date it is signed.

➔ **If I would like to have someone complete a CAA to be able to make certain decisions for my children in my absence, what steps should I take?**

First, you should identify the person who you would like to serve as your child's caretaker.

Next, you should discuss with that person what the CAA does (it gives them power to make certain school and medical decisions on behalf of your child), and does not do (it does not give them legal custody of your child, guardianship over your child, or access to any of your financial resources to care for your child).

Finally, you should have that person complete a CAA, but they should wait to sign and date it until it actually becomes necessary to use it. (It's not necessary to sign and date it now since it won't be needed unless or until you are actually unavailable to care for your child. Plus, it will expire one year after the date it is signed). The caregiver should keep the CAA in a safe place, and you should also keep a copy of it in your file of important documents in case the caregiver cannot locate theirs when it becomes necessary.

➔ **Can a caregiver use the CAA to coordinate my child's travel to my home country in the event I am deported and decide to have my children accompany me to my home country?**

No, the CAA only allows the caregiver to make decisions related to school and medical issues for your child. Consult your home country's embassy or consulate for information about facilitating your child's travel to your home country if you will not accompany the child.

➔ **Must my child's caregiver have immigration status in the United States?**

No, but ideally, the person you authorize to be your child's caregiver would not also be at risk for deportation or detention. The person should be someone with a California driver's license or identification card (ID). If they do not have a California driver's license or ID, they should be ready to provide another form of identification such as a social security number or Medi-Cal number.

Caregiver's Authorization Affidavit

Use of this affidavit is authorized by Part 1.5 (commencing with Section 6550) of Division 11 of the California Family Code.

Instructions: Completion of items 1-4 and the signing of the affidavit is sufficient to authorize enrollment of a minor in school and authorize school-related medical care. Completion of items 5 through 8 is additionally required to authorize any other medical care. **Only complete items 5 through 8 if you are related to the child.** Print clearly.

The minor named below lives in my (the caregiver's) home and I am 18 years of age or older.

1. Name of minor: _____.

2. Minor's birth date: _____.

3. My name (adult giving authorization): _____.

4. My home address: _____.

5. I am the minor's grandparent, aunt, uncle, spouse, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, niece, nephew, first cousin, grandaunt, granduncle, great-grandparent, great-grandaunt, great-granduncle, or the spouse of one of these persons.

6. Check one or both (for example, if one parent was advised and the other cannot be located):

I have advised the parent(s) or other person(s) having legal custody of the minor of my intent to authorize medical care, and have received no objection.

I am unable to contact the parent(s) or other person(s) having legal custody of the minor at this time, to notify them of my intended authorization.

7. My date of birth: _____.

8. My California driver's license or identification card number: _____.

Warning: Do not sign this form if any of the statements above are incorrect, or you will be committing a crime punishable by fine, imprisonment, or both.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: _____ Signed: _____

NOTICES

1. This declaration does not affect the rights of the minor's parents or legal guardian regarding the care, custody, and control of the minor, and does not mean that the caregiver has legal custody of the minor.
2. A person who relies on this affidavit has no obligation to make any further inquiry or investigation.
3. This affidavit is not valid for more than one year after the date on which it is executed.

Additional Information:

TO CAREGIVERS:

1. "Qualified relative," for purposes of item 5, means a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix "grand" or "great," or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.
2. The law may require you, if you are not a relative or a currently licensed foster parent, to obtain a foster home license in order to care for a minor. If you have any questions, please contact your local department of social services.
3. If the minor stops living with you, you are required to notify any school, health care provider, or health care service plan to which you have given this affidavit.
4. If you do not have the information requested in item 8 (California driver's license or I.D.), provide another form of identification such as your social security number or Medi-Cal number.

TO SCHOOL OFFICIALS:

1. Section 48204 of the Education Code provides that this affidavit constitutes a sufficient basis for a determination of residency of the minor, without the requirement of a guardianship or other custody order, unless the school district determines from actual facts that the minor is not living with the caregiver.
2. The school district may require additional reasonable evidence that the caregiver lives at the address provided in item 4.

TO HEALTH CARE PROVIDERS AND HEALTH CARE SERVICE PLANS:

1. No person who acts in good faith reliance upon a caregiver's authorization affidavit to provide medical or dental care, without actual knowledge of facts contrary to those stated on the affidavit, is subject to criminal liability or to civil liability to any person, or is subject to professional disciplinary action, for such reliance if the applicable portions of the form are completed.
2. This affidavit does not confer dependency for health care coverage purposes.