



WHAT YOU NEED TO KNOW ABOUT THE RIGHTS OF IMMIGRANTS AND THE THREAT OF DEPORTATION

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.

i What the law says about law enforcement in and near schools and other settings

On Jan. 20, 2025, the Trump administration rescinded a policy memo that protected certain areas—such as schools and healthcare facilities—from immigration enforcement. As a result, ICE officers and agents are allowed to conduct enforcement actions 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 religious ceremonies;
- During public demonstrations, such as marches, rallies and parades;
- Places where children gather, such as playgrounds and bus stops;
- Social service establishments, such as domestic violence shelters and food pantries; and
- Disaster/emergency responses sites, such as evacuation routes.

It's important to remember that members of our immigrant community still have basic constitutional rights. There are important steps that can be taken to support students and families in all formerly designated protected areas. These steps include:

- Identify any applicable federal, state and local laws and district policies that protect immigrant students and families.
- If policies don't exist, develop a written response policy and preparedness plan in advance for when there's an interaction with an immigration enforcement officer at or near your school or other setting.
- Designate an authorized person to review warrants and subpoenas.
- Understand the distinction between public and private areas.
- Train non-authorized staff and volunteers on how to respond to ICE requests.
- Document all interactions with immigration enforcement.
- Connect with immigration response networks in your area.

i What the law says about sharing student information with immigration authorities

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. For more on FERPA, see studentprivacy.ed.gov/ferpa.

i Schools must be safe havens, welcoming places of learning and free from racism, discrimination and the threat of deportation.

School districts are responsible for ensuring the safety and well-being of all their students. Educators and school support staff can work with community allies to reaffirm that their schools and campuses are safe zones. An important step includes reevaluating data-collection practices. Schools should think through and limit to the extent possible the information that is collected from students and their families (for example, for what purpose is the information collected and who has access to it). Avoid collecting information about immigration status, which has a deep chilling effect for families and possibly violates *Plyler v. Doe*, the Supreme Court decision guaranteeing access to K-12 public education for all children regardless of immigration status.

Do's and Don'ts for students and their families if ICE authorities come to their homes

- ➔ **Do not open the door.** ICE authorities cannot come in without a signed judicial 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 and choose to remain silent."**
- ➔ **Do not sign.** Don't sign anything ICE gives you without talking to an attorney.
- ➔ **Document the encounter.** Take pictures, video and notes. Write down badge numbers, the number of agents and exactly what happened.
- ➔ **Fight back!** Get a trustworthy attorney, contact a local immigrant rights organization and explore all options to fight your case. If detained, you may be able to get bail—don't give up hope!

For more resources and information, contact:

- ➔ **AFT**
www.aft.org/immigration
- ➔ **Share My Lesson**
www.sharemylesson.com/immigration
- ➔ **Colorin Colorado**
www.colorincolorado.org/immigration
- ➔ **National Immigration Law Center**
www.nilc.org
- ➔ **United We Dream**
www.unitedwedream.org
- ➔ **Center for Law and Social Policy**
www.clasp.org