ISSUES AFFECTING IMMIGRANT YOUTH AND FAMILIES

OCTOBER 21, 2017

IGNACIA RODRIGUEZ
NATIONAL IMMIGRATION LAW CENTER
AGENDA

I. National Landscape
II. DACA and Dream
III. Effects on Schools and Colleges
IV. Resources
NATIONAL LANDSCAPE
IMMIGRATION ENFORCEMENT AND DEPORTATIONS

• Jails/prisons
• More use of local law enforcement
• Raids/operatives
OTHER ISSUES OF CONCERN

• Creation of registries/lists (example: Muslim registry)
• Ban on asylees/refugees
• Threats to de-funding “sanctuary” cities
• Increased funding for enforcement
• Expansion of “expedited removals”
• Changes to existing forms of immigration relief (examples: Temporary Protected Status, family reunification based relief, naturalization)
DACA AND DREAM ACT OF 2017
DACA

- **June 15, 2012**: Department of Homeland Security (DHS) released a memorandum granting two-year deferred action status to certain young undocumented immigrants.

- **September 5, 2017**: the Trump administration announced the end of the DACA program.

- **After October 5, 2017**: No new or renewal applications for DACA accepted by DHS.

- Nearly 800,000 people have been approved for DACA.

- Concerns around what will happen when DACA and work permits lapse and around the confidentiality of information provided.

- **DACAmented people would not necessarily be at greater risk of being deported if the DACA program is terminated.**
  - DACA recipients are considered “low priority”
  - DACA program has been high profile & successful
DREAM ACT OF 2017

• Bipartisan
• Introduced in the House and Senate
• Offers path to citizenship
  • Conditional permanent residency (3-8 years; shorter wait if DACA recipient) → Legal Permanent Residency (5 years) → eligible for naturalization (TOTAL: Less than 13 years)
• Potential to benefit more immigrant youth than DACA
  • No age cap (DACA = must have been born after June 15, 1981)
  • Must have entered the U.S. before the age of 18 (DACA = 16).
  • Be continuously residing in the U.S. for at least 4 years before enactment (DACA= since 2007).
DREAM ACT OF 2017

• Political Update:

<table>
<thead>
<tr>
<th></th>
<th>Votes Needed</th>
<th>Current # of supporters</th>
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<tbody>
<tr>
<td>House</td>
<td>195 Democrats and 24 Republicans</td>
<td>195 Democrats and 4 Republicans</td>
</tr>
<tr>
<td>Senate</td>
<td>48 Democrats and 12 Republicans</td>
<td>6 Democrats and 3 Republicans</td>
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• Visit weareheretostay.org to get involved and to find out about:
  • Updates on the bill
  • Local events, including town halls
  • How to contact your congressional representatives and show your support.
EFFECTS ON SCHOOLS & COLLEGES
SENSITIVE LOCATIONS

- Hospitals
- Schools
- Places of Worship
- Public Religious Assemblies (e.g., weddings, funerals)
- Demonstrations

Special exceptions for sensitive locations
- Someone who poses an imminent threat, such as a national security risk
- Immediate pursuit of a felon or person who poses danger to the public
- Risk of destruction of property
The Family Educational Rights and Privacy Act (FERPA)

▪ District cannot disclose personally identifiable information in student “education records”
  ▪ Exceptions: parental consent or subpoena
▪ District can disclose “directory information” without consent unless families have opted out
CAMPUS SAFETY/“SANCTUARY” POLICIES AND RESOLUTIONS

Banner at Cleveland High School in Portland, Oregon.
POLICY COMPONENT: PROTECTING RECORDS

- District & educators do not include immigration status in education records
- District does not inquire about a student or family member’s immigration status
- District does not include place of birth in directory information
- No communication with ICE about a student’s immigration status
- Parents know they can opt out of directory information disclosure
- District does not release data without subpoena and legal advice
POLICY COMPONENT: RESTRICTING ICE ACCESS

• Create process for ICE to request access to school site

• Superintendent and/or General Counsel shall ask for the immigration agent’s credentials, ask the agent why the agent is requesting access, and ask to see a warrant

• ICE must show a warrant signed by a federal or state Judge
POLICY COMPONENT: CAMPUS SECURITY

• Campus security are prohibited from inquiring about or recording any information regarding an individual’s immigration status.

• Campus police shall not participate in immigration enforcement efforts.
POLICY COMPONENT: PROVIDING RESOURCES AND INFORMATION

- Support for all students, including undocumented, DACAmented and Muslim students
- Create resource and info centers
- Create rapid response network
- Pay for legal representation of students and family members facing deportation
WHAT EDUCATORS CAN DO

1. Put image on door to signal to students and families that this is a safe space.

2. Create a classroom where all students are welcome and supported no matter what – teach lessons that tear down stereotypes and promote inclusivity and empathy. ([https://sharemylesson.com/collections/immigration](https://sharemylesson.com/collections/immigration))

3. Make sure students know their rights – without singling students out, let them know where they can find information on their legal rights. Distribute "know your rights" materials to students and communities about what to do if a raid occurs or a person is detained. ([https://www.aclu.org/issues/immigrants-rights](https://www.aclu.org/issues/immigrants-rights))

4. Maintain a list of resources including local immigrant rights organizations, pro bono attorneys and social workers that can be shared with students and families

5. Become an ally and person who stands in solidarity with students and their families ([http://unitedwedream.org/educatorsout/](http://unitedwedream.org/educatorsout/))
SCHOOL RESOLUTIONS

K-12
- Berkeley Unified School District
- Montebello Safe Zones Resolution
- Austin Independent School District
- Minneapolis Public Schools
- Nashville Resolution

College/University
- California State University Memorandum from the Chancellor
- University of California Statement of Principles in Support of Undocumented Members of the UC Community
- University of Oregon
MODEL RESOLUTIONS

• Model Campus Safe Zones Resolution Language (K–12) - https://www.nilc.org/issues/immigration-enforcement/campus-safe-zones-language-k-12/

• Model Campus Safe Zones Resolution Language (Colleges & Universities) - https://www.nilc.org/issues/immigration-enforcement/campus-safe-zones-language-college/
RESOURCES
RESOURCES

• **Know Your Rights Resources**
  - [https://www.nilc.org/KnowYourRights/](https://www.nilc.org/KnowYourRights/)
  - [https://www.nilc.org/issues/immigration-enforcement/todos-tenen-derechos-basicos/](https://www.nilc.org/issues/immigration-enforcement/todos-tenen-derechos-basicos/)
  - [https://nationalimmigrationproject.org/PDFs/community/know-your-rights-eng-casa-maryland.pdf](https://nationalimmigrationproject.org/PDFs/community/know-your-rights-eng-casa-maryland.pdf)

• **Information on Dream Act**
  - [weareheretostay.org](https://weareheretostay.org)
RESOURCES

Resources for finding free or low-cost help:

- [https://www.adminrelief.org](https://www.adminrelief.org)
- [https://www.ailalawyer.com](https://www.ailalawyer.com)

Resources to create safe zones:

- Model Campus Safe Zones Resolution Language (K–12) - [https://www.nilc.org/issues/immigration-enforcement/campus-safe-zones-language-k-12/](https://www.nilc.org/issues/immigration-enforcement/campus-safe-zones-language-k-12/)
QUESTIONS?

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National Immigration Law Center
www.nilc.org