

# Immigration Law Insights for Child Care Professionals

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# What you need to know

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Your rights as a childcare provider (center or home-based) to limit Immigration and Customs Enforcement (ICE) access to your facility

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How to talk to parents and/or employees about immigration concerns

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How to minimize harm to children in the event of ICE activity

## Background: what is the sensitive locations memo?

- Prior to last month, ICE operated under an internal guidance memo prohibiting arrests in “sensitive locations,” including but not limited to schools, hospitals, places of worship, social service establishments, weddings, funerals, demonstrations, and places “where children gather” including “childcare centers.”
- The Trump administration rescinded this memo shortly after the inauguration.

# Know your rights if ICE shows up at your facility

- Ask to see a warrant
  - Administrative warrants **do not** entitle ICE to enter a home or other non-public space if you do not consent
  - Your childcare center or home is not a public space
- Respectfully decline to answer questions from ICE agents about any child, their parents, or your employees, and ask them to leave. If ICE inquired about a particular child or parent, contact the parent immediately to inform them of the inquiry.
- In the extremely rare event that ICE presents a judicial warrant (signed by a state or federal judge, not an ICE officer), read the scope of the warrant and comply.
- If an agent enters without your permission, do not resist or obstruct. Document everything (officer names, badge numbers), including filming officers with your phone.

**U.S. DEPARTMENT OF HOMELAND SECURITY      Warrant for Arrest of Alien**

File No. \_\_\_\_\_

Date: \_\_\_\_\_

**To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations**

I have determined that there is probable cause to believe that \_\_\_\_\_ is removable from the United States. This determination is based upon:

- the execution of a charging document to initiate removal proceedings against the subject;
- the pendency of ongoing removal proceedings against the subject;
- the failure to establish admissibility subsequent to deferred inspection;
- biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

**YOU ARE COMMANDED** to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

\_\_\_\_\_  
(Signature of Authorized Immigration Officer)

\_\_\_\_\_  
(Printed Name and Title of Authorized Immigration Officer)

**Certificate of Service**

I hereby certify that the Warrant for Arrest of Alien was served by me at \_\_\_\_\_  
(Location)  
on \_\_\_\_\_ on \_\_\_\_\_, and the contents of this  
(Name of Alien) (Date of Service)  
notice were read to him or her in the \_\_\_\_\_ language.  
(Language)

\_\_\_\_\_  
Name and Signature of Officer

\_\_\_\_\_  
Name or Number of Interpreter (if applicable)

Form I-200 (Rev. 09/16)

# Responding to parent or employee concerns

- Encourage parents to keep sending their kids to school and childcare
- Make sure parents' emergency contact information is up to date
- Explain ways for undocumented parents to minimize their risk
  - [Know your rights](#)
  - Don't drive without a license
  - Keep important documents in a safe place and carry your work permit or driver's license if you have them
  - Don't answer questions from ICE agents who do not have a judicial warrant
  - To prepare for the possibility an ICE arrest, memorize important phone numbers, tell trusted contacts how to access important documents, and don't sign any documents or answer any questions without a lawyer
- Encourage families to develop a [family preparedness plan](#) (includes action steps like getting U.S. passports for U.S.-born children, making a plan for the care of children if parents are detained, consider signing a limited power of attorney, etc.)

# Minimize harm to children

1

Keep children calm and model composure. Move children to another area if it is safe to do so.

2

Contact parents after the incident is over.

3

Consult [resources](#) on trauma informed care for children.

# Creating policies for your center

The Immigrant Legal Resource Center has [model policies](#) that childcare providers can develop that address:

- Gathering child information
- Sharing child and family information
- Responding to ICE requests for access to your center
- Helping children who are affected by the detention or deportation of a family member



QUESTIONS?

