

Protecting Youth and Organizations:

Know Yours Rights Amidst Immigration Policy Shifts

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Youth Law Center

- **Youth Law Center is a Qualified Support Center that provides free legal training, legal technical assistance, and advocacy support.**

We work on:

- Trainings, and Workshops, Workgroups, and Outreach
- Consultation, Research, Co-Counseling and Technical Assistance
- Resource Materials, Information Services and Support

Disclaimer

- **This presentation by the Youth Law Center is provided for educational and/or informational purposes only, and should not be construed as legal advice.**

Purpose

- Equip leaders and staff of service providers who serve youth experiencing homelessness with:
 1. essential knowledge about the **rights of the youth** they serve;
 2. the **rights and responsibilities of their organizations** concerning immigration enforcement; and
 3. proactive **steps to protect youth** from immigration enforcement.

Agenda

1. Introduction
2. Rights of Individuals
3. Rights and Responsibilities of Organizations
4. Practical Tips for Staff
 - Responding to Enforcement Actions
 - Responding to Requests for Information
5. Proactive Steps to Protect Youth from Immigration Enforcement
6. Resources/Q&A

Rights of Individuals

**Every person within the U.S. has
certain fundamental rights,
regardless of immigration status!**

Fourth Amendment to U.S. Constitution

- **Protects against unreasonable searches and seizures**
 - ICE and law enforcement cannot enter a person's home or search a person's belongings without permission.
 - This principle extends to private areas within a shelter where youth (and other individuals) have a reasonable expectation of privacy.

Fifth Amendment to U.S. Constitution

- Right to remain silent
- Due process of law
- Can refuse to give documents
- Can refuse to sign documents

Sixth Amendment to U.S. Constitution

- Right to legal counsel on criminal (but not immigration) matters.
- Right to be advised on criminal/immigration consequences.

Right to Silence Must be Asserted

- **ICE is only authorized to deport individuals when they have proof the individuals are not citizens.**
- **Fifth Amendment rights must be asserted.**
 - When questioned individuals must state "I assert my right to remain silent."

What to do if Arrested

- Tell ICE if you fear return to your home country.
- Tell ICE if you have or are pursuing some form of immigration relief (LPR, SIJS, U-VISA, T-VISA, Asylum, Etc.).
- Answer honestly to questions about your name, address, and date of birth.
 - People should not share their immigration status with anyone except their attorney!
- **Assert your right to remain silent.**

What NOT to do if Arrested

- Do not resist arrest.
- Do not sign anything or make decisions without a lawyer.
- Answer questions about your immigration status or country of origin when ICE comes to question you at the detention center.

What to do if You Encounter ICE in the Community



- Assert your right to remain silent.
- Do not sign anything.
- Remain calm.
- Do not consent to a search of your person or your property.
- Assert your rights even if you have status.
- Do ask if you are free to go.

Rights and Responsibilities of Organizations

Promoting Safe and Secure Shelters for All



- Your organization plays a vital role in ensuring safety and security for vulnerable youth.
- This includes understanding and upholding their rights in the face of potential immigration enforcement.

Designating Public and Non-Public Spaces

- **Clearly designate areas within your facility as either public or non-public/private.**
 - ICE agents may enter public areas without a judicial warrant.
 - They need a valid judicial warrant to lawfully access private or non-public areas.

Designating Public and Non-Public Spaces Cont.

- **Post clear signage (“Private” or “Non-Public Area”) on doors and hallways leading to these spaces.**
- **Treat the areas as private or non-public in your everyday practice and in the face of potential immigration enforcement.**

Understanding Warrants - Judicial vs. ICE Administrative



- It's crucial to distinguish between different types of documents immigration agents might present.
 - Judicial Warrants
 - ICE Administrative Warrant (Form I-200 or I-205)
 - Review [National Immigration Law Center's guide](#) for a comprehensive overview.

Judicial Warrant

- **Signed by a federal or state judge or magistrate.**
 - Search Warrant:
 - Allows entry to a specific location to search for specified items.
 - Staff should point out the areas listed and state they do not consent to searches beyond that scope.
 - Arrest Warrant:
 - Authorizes the arrest of a specific individual, potentially allowing entry to non-public areas where that individual is believed to be.

ICE Administrative “Warrant” (Form I-200 or I-205)



- **Signed by an immigration officer, not a judge.**
 - This type of warrant only allows ICE to arrest someone suspected of immigration violations.
 - It does not grant them the right to enter or search non-public areas of your facility without your consent.

Policy Recommendations for Shelters



- **Develop clear written policies regarding interactions with immigration enforcement.**
- **Establish procedures for monitoring visitors, including requiring registration.**
- **Designate one or more administrators to serve as liaisons on immigration enforcement issues.**
- **Develop training programs for all staff on these policies and Know Your Rights information.**

Policy Recommendations for Shelters Cont.



- **Develop policies regarding the collection, retention, and sharing of sensitive client information, including immigration status.**
- **Avoid collecting this information unless absolutely necessary for providing services.**
- **Communicate your policies to clients in languages they understand.**

Practical Tips for Staff

Responding to Enforcement Actions

- **Stay calm and treat officers with respect.**
 - Do not physically interfere.
- **Immediately notify a designated supervisor or administrator.**
- **Request to see a judicial warrant before allowing access to non-public areas.**
- **Inform officers that you do not consent to entry into non-public areas without a valid judicial warrant.**

Responding to Enforcement Actions Cont.

- **If a warrant is presented, ask for a copy and immediately contact a supervisor to review it for validity and scope.**
 - Provide access only to the areas specified in a valid judicial warrant.
- **If arrests are made, ask for names and where individuals are being taken.**

Responding to Requests for Information



- **Your organization should have a policy:**
of not releasing client information without the client's consent, a valid judicial warrant, or the presence of a subpoena that specifically requires the release of that information.
- **Direct all information requests to a designated administrator.**
- **Require a valid judicial subpoena (or potentially a search warrant) before providing any records.**

Kinds of Data Requests

- **ICE Administrative Subpoenas (Form I-138):**
 - You generally do not need to comply immediately.
 - Inform the officer it needs to be reviewed by an administrator and/or counsel.
- **Federal Judicial Subpoenas (Form AO 888):**
 - Similar to administrative subpoenas, immediate compliance is usually not required.
 - Consult with administrator and/or counsel.

Tips to Prepare for Information Requests



- **Contact designated administrator and/or counsel.**
- **Notify clients if their information has been requested.**
- **Inform clients of your facility's privacy policy upon admittance.**
- **Do not disclose immigration status information unless required by federal law or legal process.**

Proactive Steps to Protect Youth from Immigration Enforcement

Know Your Rights Trainings for Youth



- **Conduct regular Know Your Rights presentations for the youth you serve.**
 - Focus on key rights: the right to remain silent, the right against unreasonable search and seizure, and the right not to sign anything.
- **Emphasize that these rights apply to everyone, regardless of immigration status.**
- **Provide resources**
 - Red Cards (Know Your Rights cards in multiple languages)
 - Know Your Rights Videos

Family Preparedness Planning

- **Encourage parenting youth to create family preparedness plans.**
 - This is crucial even if their family members are not currently in the U.S.
- **Help them identify a childcare plan in case of parental detention or deportation.**
- **Assist in gathering important documents (copies) and contact information for legal service providers and emergency contacts.**

Organizational Preparedness

- **Formalize written policies on interactions with immigration enforcement and ensure all staff are trained on them.**
- **Regularly train staff on recognizing different types of warrants and appropriate responses.**
- **Clearly designate staff responsible for handling immigration enforcement encounters and information requests.**

Organizational Preparedness Cont.



- **Establish and maintain relationships with trusted local non-profit legal service providers for referrals and consultations.**
- **Adhere strictly to privacy policies regarding client information.**
 - Minimize the collection of unnecessary sensitive information like immigration status.

Responding Post-Enforcement Action



- Document everything that occurred during any ICE presence or enforcement action.
- Develop messaging and talking points to share with the community and media.
- Consider sharing stories (while protecting privacy) to raise awareness and prevent future harm.

Resources/Q&A

Immigration Policy Tracking Project (IPTP)



- **Professor Lucas Guttentag from Stanford Law School launched the IPTP to track and index all immigration policies from both Trump administrations.**
 - You can learn more about the project [here](#) and access the tracker for the current admin [here](#).

Red Cards (Know Your Rights Cards) youth law center in 9 Languages from ILRC

- **Immigrant Legal Resource Center (ILRC) has put out red cards that share certain rights and protections that everyone in the United States has under the U.S. Constitution.**
 - You can have the red cards shipped to you or print out the cards in several different languages [here](#).
 - For tips on using the red cards check out [these tips](#) from ILRC.

Immigrant Legal Resource Center's (ILRC) Family Preparedness Plan (English and Spanish)



- Immigrant Legal Resource Center has created a toolkit and recorded a webinar covering the importance of Family Preparedness Plan. The plan allows for immigrant families to think ahead and make concrete plans in case parents are separated from their children.
 - The toolkit is available [here](#).

CA DOJ Resources for California's Immigrant Communities



- The California Department of Justice (DOJ) has created and shared a number of resources to support California's immigrant community and those who provide them services.
 - You can check out the dedicated webpage [here](#).
- CA DOJ and the CA Labor Commissioner's Office put out a [joint guidance](#) on FAQ to help employers understand the Immigrant Worker Protection Act (Assembly Bill 450).

CA DOJ Resources for California's Immigrant Communities Cont.



- In December 2024, the CA DOJ issued and updated guidance to help staff develop practical plans to protect the rights of immigrants and their families to safely access public institutions.
 - [Here](#) is the guidance from the CA DOJ regarding California shelters.

Resources for finding Legal Service Providers



- **Snapshot of Legal Organizations in the Bay**
 - Legal Services for Children
 - Bay Area Legal Aid
 - Law Foundation of Silicon Valley Legal Advocates for Children and Youth
 - Legal Aid Society of San Mateo
 - East Bay Community Law Center
- **The California State Bar provides an abridged list of California legal services providers who focus on immigration. It includes some providers funded by the State Bar and others who frequently provide representation.**
- **The Immigration Advocates Network maintains a directory of free or low-cost immigration legal services.**

Encourage individuals to Exercise Caution When Selecting an Attorney



- **Not all “attorneys” are good attorneys. In this practice area there is an unfortunate trend where many individuals represent themselves as attorneys when they are not.**
 - Ask any “attorneys” what states they are allowed to practice law.
 - In California you can look up attorneys who are licensed to practice law in the state.
 - Review this guide from the [California State Bar](#).
- **Want to select an attorney who has experience with immigration law.**

National Homelessness Law Center



- **National Homelessness Law Center created guidance on what shelters can do before, during, and after an interaction with immigration enforcement.**
 - The guidance is available [here](#).

Immigration Knowledge Needs Survey



- **Youth Law Center is working to create a virtual resource library focused on supporting organizations, families, and communities who are supporting vulnerable youth navigate immigration enforcement.**
 - In the coming days we will be sharing a needs survey with the Tipping Point Community and we would love it if staff from your orgs would complete it to make sure our virtual resource library is responsive to the needs of youth in our communities.

Thank you for your dedication to protecting vulnerable youth. Your understanding of these rights and proactive measures will make a significant difference in their lives. Please stay connected and reach out with any questions

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