



# STEP-BY-STEP FAMILY PREPAREDNESS PLAN

How immigrant families can more proactively  
prepare for immigration emergencies that arise

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Every family should have a family preparedness plan in case of an emergency. The ILRC's **complete [Step-by-Step Family Preparedness Plan](#)**, which includes template forms to help you prepare your plan as well as California-specific information on childcare planning, is available **[here](#)** [*Recommended*].

This condensed version is divided into three sections that give guidance on family preparedness planning, including childcare planning, finding out about your immigration options, and knowing your rights with Immigration and Customs Enforcement (ICE) and the police.

## **PART I: MAKE A CHILDCARE PLAN**

### **DECIDE WHAT KIND OF A CHILD CARE PLAN YOU WANT TO PUT IN PLACE**

There are various ways to plan for another adult to care for your child if you are unable to do so. The options will vary by state. In many states, a verbal agreement with another adult is sufficient for another person to care for your child temporarily. However, if you are unable to care for your child for an extended period of time, you will want to consider a more formal arrangement that gives the caretaker legal authority to make medical and school-related decisions for your child.

Although the options will differ by state, some ways to do this may include a power of attorney\*, a standby guardianship, a temporary guardianship, a permanent guardianship, or a state-specific form, like the Caregiver's Authorization Affidavit in

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California. For additional information on California options, visit our complete [\*\*Step-by-Step Family Preparedness Plan\*\*](#).

*\*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. IN CALIFORNIA, WE DO NOT RECOMMEND THAT A POWER OF ATTORNEY BE USED 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).*

### **MAKE SURE YOUR CHILDREN KNOW WHO CAN PICK THEM UP FROM 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.

### **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 child. Let your child know where to find this information if you are not around.

### **MAKE SURE YOUR CHILDREN ALL HAVE PASSPORTS**

If your child was born in the United States, visit [www.travel.state.gov](http://www.travel.state.gov) for more information on obtaining a U.S. passport. If your child was born in a different country, check with the 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 by visiting the following webpage:

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<https://locator.ice.gov> Be sure your family and emergency contacts have a copy of your A-Number (your registration number found on your immigration documents from ICE), if you have one.

## **TALK TO YOUR FAMILY 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 time. Let them know who will care for them until you can.

## **PART II: FIND OUT ABOUT YOUR IMMIGRATION OPTIONS**

### **UNDERSTAND WHO CAN GIVE IMMIGRATION ADVICE**

The best way to avoid fraud in legal representation is to look for legal services providers that meet certain requirements. This can be hard if you are unsure of where to begin the search or what kinds of duties a legal representative owes their clients.

**There are two categories of people who can give legal advice in an immigration case:**

- ▶ **Attorneys:** To practice immigration law, which is federal law, an attorney can be licensed in any state but must have a valid license and be ‘in good standing’ with the bar association. Attorneys can give legal advice, help file immigration petitions and requests, and represent individuals in court proceedings before an immigration judge. You can verify an attorney’s credentials with the state bar in the state where they are licensed.
- ▶ **Department of Justice (DOJ) accredited representatives:** An accredited representative is a non-attorney who has been certified by the DOJ to work on immigration matters. The person must be affiliated with a non-profit that is recognized by the DOJ. Accredited representatives can give legal advice, file immigration petitions and applications, and, if they are fully accredited, represent clients in immigration proceedings.

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## WHERE TO FIND A TRUSTED LEGAL SERVICES PROVIDER IN YOUR AREA

The Immigration Advocates Network National Immigration Legal Services Directory lists local nonprofit organizations that provide free or low-cost immigration legal services: [ilrc.me/findhelp](https://ilrc.me/findhelp)

## WHAT TO EXPECT FROM A LEGAL REPRESENTATIVE

A legal services provider has the duty of representing each client to the best of their abilities. **These are some best practices you should expect from a legal services provider:**

- **Sign a contract:** You should be provided with a written contract which outlines the services to be provided and what fee (if any) will be charged.
- **Be informed about your case:** A legal services provider should keep you informed about the progress and status of your case. They should explain the immigration benefit you qualify for, the application process, and answer any questions you have.
- **Copies of all documents:** A legal services provider should give you a copy of all documents submitted on your behalf as well as copies of any receipt notices sent by the government. They should never refuse to give you a copy of these documents or your file. In most cases, an attorney should not charge you to get a copy of your file unless you agreed to pay for photocopies in your original agreement.

## PART III: KNOW YOUR RIGHTS

### ICE AT YOUR DOOR. WHAT DO YOU DO?

- **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

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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.** The red card explains your rights and that you do not have to open the door. You can slide it under the door to ICE, show it to ICE, or read the English side of the card to ICE. Have your children and other family members practice showing it or sliding it under the door. You can find print-at-home red cards in multiple languages at [ilrc.org/red-cards](http://ilrc.org/red-cards).



## TALKING TO ICE. WHAT DO YOU DO?

- **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 birthplace, immigration status, or how you entered the United States. Do not give them 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.

### NOTE

**IF YOU ENCOUNTER ICE, REMAIN CALM AND DO NOT TRY TO RUN AWAY. IF YOU DO, ICE OR THE POLICE MAY USE THAT AGAINST YOU.**

- **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.

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This may result in you being deported immediately without a hearing. If you wish to remain in the United States, ask 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 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 your important documents.

### **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 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.

Are you a California Community College (CCC) or a California State University (CSU) student? If so, you qualify for **FREE** immigration legal services!

**FIND OUT MORE**

**CCC:** [findyourally.com](https://findyourally.com)

**CSU:** [findyourally.com/csu](https://findyourally.com/csu)

Discover more community explainers, toolkits, & alerts about immigration law.

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