



PROTECTING CHILDREN IN SCHOOLS AGAINST IMMIGRATION ENFORCEMENT

What schools and parents can do
to improve the safety of children

JULY 2025

Since taking office in January 2025, the Trump administration has aggressively prioritized immigration enforcement and revoked many longstanding protections from prior administrations, including one preventing enforcement action in certain sensitive locations.

Despite the administration's many attempts to deprive immigrants of their constitutional and legal rights, everyone, regardless of immigration status, has certain constitutional protections and a right to a free public education.

In this Resource Toolkit, we will address recent changes affecting students and school campuses and what students, parents and caregivers, and school administrators can do to prepare for immigration enforcement action at schools while highlighting the constitutional protections that remain a pillar of our democracy.

REVOCATION OF SENSITIVE LOCATIONS MEMORANDUM

On January 20, 2025, the Trump administration revoked an Obama era memorandum preventing Immigration and Customs Enforcement (ICE) from conducting immigration enforcement in certain areas—such as schools, hospitals, and places of worship. This memorandum was commonly known as the “sensitive locations memo.” As of January 20, 2025, ICE can go into these spaces to conduct immigration enforcement.

Although ICE (or any of the other federal agencies now working with ICE) may now enter public areas of the school, they still need authorization from school officials or

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a judicial warrant to enter private spaces. In the school context, ICE can enter spaces where community members can enter—such as parking lots and lobbies. All other areas, where a reasonable expectation of privacy is expected—such as classrooms, private offices, and restrooms—ICE cannot enter unless they are given permission or unless they have a valid judicial warrant.

PROTECTING CHILDREN: ACTION ITEMS FOR SCHOOLS

Schools have always played a key role in not only fostering academic growth but also providing emotional and physical protection. In many ways, educators and staff step into the role of caretakers—watching over students, nurturing them, and advocating for their wellbeing. Today, that responsibility has become even more critical, especially in communities impacted by immigration enforcement. As fears of family separation rise, schools are well positioned to continue advocating for the safety and wellbeing of their students so that children and the community can feel secure, supported, and shielded from the anxieties that may surround them.

To continue protecting students, particularly under these unprecedented times, schools can do the following:

1. Develop a School Preparedness Plan for Immigration Enforcement

Each school must develop a school preparedness plan for immigration enforcement that can be shared with school leadership, teachers, parents, caregivers, and students. As a general matter, schools should ensure security cameras are functioning, visitor logs are routinely monitored and updated, and physical boundaries around the school are secure (i.e., gates and entry points remain closed particularly during school hours to prevent entry of uninvited guests). Schools may review other schools' emergency plans to develop a plan that best fits the needs of their students and community. For additional emergency planning, visit <https://www.schoolsafety.gov/emergency-planning>.

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Generally, a school preparedness plan should include:

- **A designated point person responsible for monitoring the school's entrance(s) particularly during school hours;**

 - ▶ This person will ensure that all points of entry are monitored and remain closed, particularly during school hours, so uninvited guests cannot enter the campus without authorization.
 - ▶ Schools may consider having a backup point person in case the designated point person is unavailable on a given day.
- **A designated point person responsible for reviewing any warrants produced by ICE agents (consider making and keeping copies of the same or taking a picture of what ICE agents show you);**

 - ▶ This person will be responsible for making sure that any visitors adequately identify themselves.
 - ▶ If ICE agents (or any of the other federal agencies working with ICE) are attempting to enter the campus, this person will demand that they adequately identify themselves and show their badge. Schools can request that parties attempting to enter the school identify themselves and sign a guest log before entering the campus.
 - ▶ **Remember that schools do not have to let ICE inside private spaces within the school without a valid judicial warrant. Classrooms, school yards behind fences, and even administrative offices are private spaces. Do not authorize ICE to enter these spaces. If they do not have a valid judicial warrant, do not let them in! The 4th Amendment of the United States Constitution protects school administration personnel, teachers, and students from unreasonable searches and seizures, regardless of their immigration status.** Note, however, that ICE does not need the school's permission or a warrant to

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wait in public spaces. Public spaces like parking lots, public streets, and sidewalks are accessible to everyone, and schools cannot prohibit ICE from waiting in those spaces.

- ▶ The designated point person (and ideally all school staff) must receive training on identifying a valid judicial warrant. ICE generally does not have a warrant, and when they produce one, it is usually an administrative warrant, which does not allow them to go into private spaces. If the school does not give them permission to enter (which they should not), ICE can only enter the premises if they have a valid judicial warrant—one issued by a court, signed by a judge, and accurately stating the time and location of the search to take place. For more information about ICE warrants, visit: <https://www.ilrc.org/resources/ice-warrants-basics>.

➤ **A point person designated to observe and document ICE’s actions on school property;**

- ▶ This person will take notes during (if possible) or memorialize interactions after an ICE encounter. This may be of immense help in a person’s immigration court proceedings, particularly if the government violated the constitutional rights of anyone they detain.

➤ **A training module for school personnel on interacting with ICE agents and best practices to protect students and the community at large; and,**

- ▶ Consider developing a training module for school personnel that includes the school’s preparedness plan and action steps in case of ICE presence on campus.
- ▶ This module may also include Know Your Rights information that everyone, regardless of immigration status, must know. For more Know Your Rights information, visit our Know Your Rights Toolkit at ilrc.me/protect.

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- **Communication plans to inform students, parents, caretakers, and staff of any ICE presence on campus.**
 - ▶ Consider establishing protocols in advance for how the school will notify students, parents, caretakers, and staff of ICE presence on campus, ideally through safe channels such as automated phone calls, text messages, emails, or through safe communication management platforms such as ParentSquare or ClassDojo.

2. Preventative and Action Steps to Take if a Student is Detained by ICE

Schools (and parents) must make sure that every student's emergency contact information is up to date. In case a student is detained by ICE, school personnel should contact those who are listed on the student's emergency contact card. The school must not voluntarily share any personal information of the student, their parents, or their caregivers with ICE.

Schools may also consider providing flyers or pertinent information about how to locate someone who is detained by ICE. Schools may also consider having a referral list of local immigration attorneys, including nonprofit service providers.

- To locate someone who has been detained by ICE visit: <https://locator.ice.gov/odls/#/search>
- To better understand what to do when someone is detained by ICE visit Immigrant Justice's explainer at: <https://immigrantjustice.org/for-immigrants/know-your-rights/what-do-if-you-or-loved-one-detained/>
- For a directory of non-profit legal service providers by state, county, or detention facility visit the Immigration Advocates Network at: ilrc.me/findhelp. For the Immigration Court's list of free attorneys and representatives visit <https://www.justice.gov/eoir/file/probonofulllist/dl>

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3. Dissemination of Know Your Rights Information

Schools can also work with local organizations to provide Know Your Rights trainings to their staff, students, and the community at large. They may also display “Know Your Rights” signage or provide red cards to all students and their families. Free signage and printable red cards in multiple languages are available at ilrc.me/protect. Everyone, regardless of legal status, should carry a red card to assist them in asserting their rights in case of an ICE encounter. Carrying a red card does not give ICE reason to detain you. Everyone in the United States, regardless of status, has certain constitutionally protected rights and the red cards simply state those rights.

PROTECTING CHILDREN: ACTION ITEMS FOR PARENTS AND CAREGIVERS

Parents and caregivers must develop a family preparedness plan and communicate the plan with the student, teachers, and school leadership. As a general matter, parents and caregivers should ensure that all emergency contact information is up to date with the school and that the student is also aware of who their emergency contacts are. Parents and caregivers should also familiarize themselves with the school’s emergency plans. If the school does not have one, parents and caregivers should feel empowered to ask their schools to develop one.

1. Remember That Everyone in the United States Has Certain Constitutional Rights

Everyone in the United States, regardless of immigration status, has certain rights during an ICE encounter. In public, immigration officials must have a reasonable suspicion to stop you, which means they must believe that you have, are, or will commit a crime. ICE cannot stop you simply because of your race, national origin, or gender. If you are in a sanctuary jurisdiction, you may have additional protections as local law enforcement may be prohibited from sharing your information with ICE after a traffic stop.

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As a person living in the United States, you have the right to remain silent. Silence is golden. You never want to give information to ICE as they may use that information against you. If you are being detained, you will have to decide whether you break silence to prove that you are authorized to be in the United States—for example, if you are a United States citizen or a lawful permanent resident—or to avoid being subject to the expedited removal process. The expedited removal process allows immigration officials to swiftly remove someone from the United States, without a hearing in immigration court and without the right to an attorney. Under this administration, anyone apprehended anywhere within the United States, who entered without authorization, and cannot prove they have been in the country for two years or more from an initial encounter with immigration authorities, are subject to this expedited removal process. People who are subject to the expedited removal process are detained until they are removed.

Note that unaccompanied minors—those who entered the country without a parent or legal guardian—are not subject to the expedited removal process. Immigration laws are constantly changing; it is a good idea to speak with an immigration attorney in order to fully assess your individual risks in case of an encounter with ICE.

Now more than ever, it is crucial that parents and caregivers inform their children of their rights and how to assert their rights in an age-appropriate manner. While the goal is for the school to have policies in place to shield students from ICE enforcement, it is of the utmost importance that children know their rights and know how to assert those rights.

2. Ensure Emergency Contact at Schools are Up to Date

Parents and caregivers must ensure that their child's emergency contact information is up to date. In case a student or their parent or caregiver is detained by ICE, it is crucial that the school has the most up to date information for that student's emergency contact(s). As a parent or caregiver, if you are unable to drive your child

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to and from school each day, you can arrange a carpooling schedule but always be sure to inform your child's school of who is authorized to drop off and pick up your child.

3. Know Whether Your Child's School Has a Preparedness Plan

If your school has not informed you of their preparedness plan, ask whether they have a School Preparedness Plan in place. If they do, become familiar with their plan and action steps. If they don't have a preparedness plan in place, consider asking when they will have one in place or consider working with your school's Parent Teacher Association (PTA) to develop a preparedness plan for the school.

4. Familiarize Yourself with the School's Policies

Make sure you know your child's school's policies, including drop-off and pickup rules, emergency procedures, security measures, and general communication policies. Make sure your child's school has an ICE emergency preparedness plan. If you feel comfortable, discuss any specific concerns you have about immigration enforcement with your child's teacher(s) or school administrator(s).

Make sure your child knows who can pick them up from school and inform your child's school if you cannot pick up your child that day. Talk to your child about basic safety practices, including not talking to strangers and communicating any concerns with you. If you, your child, or other loved ones are at risk for immigration enforcement, consider developing a family preparedness plan too. See below for information on developing a family preparedness plan.

5. Ask Your Child's School to Timely Communicate Any Instances of ICE or Other Federal Law Enforcement Officials Coming to Your Child's Campus

Know how your school will communicate with parents and caregivers any attempted or effectuated immigration enforcement actions at school. Will they call you? Will they send you a text message? Will they email you? Will they send a message through a

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communication management platform? Will they let you know at pick up? When will they notify you of ICE presence on campus? When and how will they notify you that the attempted or effectuated ICE enforcement concluded?

Know that under the Family Educational Rights and Privacy Act (FERPA), schools are generally prohibited from sharing personally identifiable information from your child's education records without parental consent. Your child's school or teacher also cannot ask you or your child about their immigration status.

Moreover, immigration authorities must request access from your child's school before the school can release any of your child's information (unless there is an emergency or the disclosure is required by law). Schools should keep a record of any disclosures made to immigration authorities or any other third party and provide that record to you upon request.

5. Develop a Family Preparedness Plan

As a family, it's also important to develop a family preparedness plan. A family preparedness plan is a tool that helps families create an organized plan of action with access to important information. For parents or caregivers who are at risk for immigration enforcement, it also helps identify their wants in their absence. Generally, a family preparedness plan includes a childcare plan and important documents—such as birth certificates, passports, school records, medical records, immigration history—in one location. Every family, not just immigrant families or mixed status families, should have a plan for their children should they not be able to care for them. There is no one-size-fits-all plan. Families must decide what fits best with their wishes and any special circumstances—such as custody disputes, prior custody orders, or children with significant medical issues.

It's also important to determine what options are available in your state should a parent or caregiver be detained or removed from the country—does a verbal agreement or other informal agreement for childcare suffice? Do you need a formal

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court order, such as a guardianship? Are there any other options available in your state? What will the school accept? What will a medical provider accept? For a step-by-step family preparedness plan template visit ilrc.me/famprep.

7. Know Your Obligations as a Parent or Caregiver and Assess the Risk

As a parent or caregiver, you must also be familiar with your obligations. You must send your child to school. Failure to send your child to school for a prolonged period of time or for several unexcused absences may result in charges against you. Under federal law, all children are legally entitled to a free, appropriate K-12 public education, regardless of their or their parents' immigration status. Public and charter schools cannot prohibit or discourage your child from enrollment because of your or your child's immigration status. Note that private schools may have different requirements for enrollment and are not legally required to accept your child. If you wish to enroll your child in a private school, contact that private school directly to confirm your child's eligibility.

If your child is in immigration court proceedings, they must attend their immigration court hearings. If they are represented, closely work with their attorney to be informed about the latest developments in their case and assess their eligibility for relief and any risks involved. Know that if your child does not attend an immigration court hearing, the immigration judge may order them removed for not showing up to court. **If possible, try to appear virtually and do not bring family members without status to court.** Note that you cannot simply appear by video, the immigration judge must first approve your request to appear by video. If you are working with an attorney, work closely with your attorney and ask about appearing through video.

If you do not have an attorney yet, it's important to schedule a consultation with a trusted immigration attorney at your earliest convenience. For a directory of non-profit legal service providers by state, county, or detention facility visit Immigration Advocates Network at ilrc.me/findhelp.

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For the Immigration Court's list of free attorneys and representatives visit: <https://www.justice.gov/eoir/file/probonofulllist/dl>.

If you know there is immigration enforcement action on a given day, you can decide to keep your child home that day, or until the school notifies you the enforcement action has ended, but be familiar with your state's truancy laws, which can penalize students and their parents or caregivers after a certain number of tardies or absences. Truancy issues may also impact your or your child's immigration case and may go onto your child's permanent school record.

STAY INFORMED!

In today's shifting immigration landscape, as individuals, parents, caregivers, teachers, and school administrators, staying informed and knowing your rights isn't just smart—it's essential. Immigration enforcement actions can happen unexpectedly, and understanding your legal protections can make all the difference. By staying informed on the latest developments, you can continue to protect students and the community. Visit ilrc.me/protect for the latest Know Your Rights information.

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

CSU: findyourally.com/csu

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

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