

Roots Reborn



KNOW YOUR RIGHTS: SCHOOLS,
CHURCHES, HEALTHCARE

*This information is not intended as legal advice.
Please consult an attorney if you have questions.*



Schools

- **Right to Education:** public schools must be accessible to all children regardless of immigration status. *Plyler v. Doe*.
- Federal law prohibits discrimination in public education on the basis of race, ethnicity, national origin. (Title IV of the Civil Rights Act).
- When children are present in school buildings, the school is responsible for their care in place of their parents (*in loco parentis*).
- **Student Privacy:** The Family Education Rights and Privacy Act (FERPA) requires that schools withhold information that could identify students to third parties, including federal immigration officials.
- School officials have no obligation to cooperate with ICE absent a judicial warrant, even federally funded public schools.
- School officials have an obligation to their students.



Schools

What Schools Can Do

- **4th Amendment: Reasonable Expectation of Privacy**
 - Clearly mark areas “private”
 - Do not consent to ICE entering those areas
- Train Staff:
 - Refresher on FERPA; train staff not to speak to third parties about students
 - Difference between ICE and law enforcement
- Establish Protocols:
 - Protocols for drop-off and pickup
 - Protocols for if ICE is waiting outside the school
 - Protocols to inform families of ICE activity/presence
- Emergency Plan:
 - Ask parents to list one or two local friends or family members who could receive a child in the event of an ICE raid that leaves a child without parents.
 - Language Barrier: Maintain database of staff and what languages they speak to readily identify and recruit people for help with interpreting.
 - Contact Legal Counsel for the School District immediately



Healthcare Facilities

- **4th Amendment: Reasonable Expectation of Privacy**
 - Clearly mark areas “private”
 - Do not consent to ICE entering those areas
- Patient Right to Privacy: **HIPAA** (Health Insurance Portability and Accountability Act). Protected Health Information (PHI).
 - 18 unique markers including name, address, DOB, SSN
 - Past or present mental/physical condition
- Data minimization
- Compelled disclosure:
 - Court order/judicial warrant, subpoena
 - To identify or locate a suspect, fugitive, material witness, or missing person
 - In response to a law enforcement official's request for information about a victim
 - Assist in a criminal investigation

ICE = none of the above



Healthcare Facilities

What Hospitals Can Do

- Put up signs to mark private areas
- Protocols for if the private areas are breached
- Train staff not to give consent to search or entry
- Train staff on difference between judicial warrant and ICE removal order/admin warrant
- Train staff on difference between police officer and ICE officer (plain clothes, etc.)
- Revisit protocols for hospital visitation
- Make sure staff are trained on HIPAA



Places of Worship

First Amendment protects right to practice religion, association, peaceful assembly

“Sanctuary Congregations”

- Does not shield undoc. individual from removal
- It is a federal felony for an organization or an individual to bring an undocumented immigrant into the United States; conceal, harbor, shield from detection, or transport an undocumented immigrant; or encourage an undocumented immigrant to remain in the United States.
- However: no court has held that simply providing food or shelter to an undocumented immigrant “encourages” that person to remain in the United States.



Places of Worship

- **Lowest risk:**

- Provide services regardless of immigration status (non-discrimination)
- Do not inquire about immigration status (privacy)
- Speak out on immigrant rights
- Remember 4th amendment
 - Mark private areas private, no consent to search, no ID of congregants

- **Highest risk:**

- Bringing undocumented immigrants to the United States
- Offering shelter or housing to undocumented immigrants while concealing them from law enforcement
- Transporting undocumented immigrants to prevent their existence/whereabouts from being discovered

- Secure legal counsel - have someone to call in the event of ICE activity or a raid
- Train congregants on their rights
- Have policies on what to do if ICE tries to enter and conduct search/raid



Executive Orders

The Trump Administration has issued Executive Orders and memos to DHS that could impact your community

1. Sensitive Locations Memo

- a. Sensitive locations should have procedures and protocols to handle ICE

2. Expedited Removal

- a. Evidence of 2+ years residence

3. Birthright Citizenship

- a. Obtain birth certificate

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Climate Justice



Immigrant Rights