



## KNOW YOUR IMMIGRATION RIGHTS AND PROTECTION UNDER THE LAW

**You have the right to apply for and secure housing without sharing your immigration status.** California law prohibits housing providers from asking about your immigration status unless you are applying for affordable housing funded by the federal government. Additionally, housing providers cannot harass or intimidate you by threatening or sharing information about your immigration status to ICE, law enforcement, or other government agencies.

**You have the right to access emergency medical care.** Federal laws and regulations ensure the rights of all people, including undocumented immigrants, to access emergency medical care.

**You have the right to a workplace free of harassment and discrimination.** Under California law, you are protected from harassment and discrimination based on your national origin, ancestry, race, ethnicity, and other protected characteristics. Your employer cannot threaten to call immigration authorities as retaliation for reporting harassment or discrimination on the job. Your employer is also not allowed to ask about or look into your immigration status, unless they must do so to comply with federal immigration law and regulations, and you are not required to share this information.

**You have the right to ask companies to stop selling your data or to delete your data.** It is important to understand your data privacy rights, and it can be helpful to reduce the number of companies that are storing or selling data about you. For information on these rights and how to exercise them go to [oag.ca.gov/privacy/ccpa](http://oag.ca.gov/privacy/ccpa).

**You have the right to an attorney.** If you are arrested by police, you have the right to a government-appointed lawyer. If you are detained by ICE, you have the right to consult with a lawyer, but the government is not required to provide one for you. You can ask for a list of free or low-cost alternatives. To find a legal aid organization near you, go to [lawhelpca.org](http://lawhelpca.org).

**You have the right to access your police report.** State and local law enforcement-agencies cannot deny a victim of a crime access to their crime report because the victim cannot prove lawful presence in the country.

**Your child has a right to a free public education regardless of immigration status.** They also have a right to be in a public school learning environment free from discrimination, harassment, bullying, and intimidation. Schools must accept a variety of documents from the student's parent or guardian to demonstrate proof of age and residency. Information about citizenship/immigration status is never needed for school enrollment. You do not have to share information regarding passports or visas, or regarding the immigration status of a child, parent, guardian or other family member. And you do not have to provide a social security number or other card for either enrollment or for free or reduced-price school breakfast and lunch.

**State and local law enforcement cannot ask for your immigration status for immigration enforcement purposes.** California law expressly prohibits law enforcement from inquiring about a person's immigration status for immigration enforcement purposes.

**State and local law enforcement cannot share your personal information for immigration enforcement purposes.** This includes your home or work address for immigration purposes, unless that information is available to the public or unless that information involves previous criminal arrest, convictions or similar criminal history.

**State and local law enforcement cannot assist ICE with immigration enforcement, with very limited exceptions.** This means state and local law enforcement cannot investigate, cannot interrogate, cannot arrest, and cannot detain you unless they are part of a joint federal task force where the primary purpose of the task force is not immigration enforcement.



## **IMMIGRATION HELP RESOURCES**

- Law Help CA: [lawhelpca.org](http://lawhelpca.org)
- Immigration Law Help: [immigrationlawhelp.org](http://immigrationlawhelp.org)

## **REPORT A COMPLAINT**

- If you believe your rights have been violated, report it to the California Department of Justice at [oag.ca.gov/report](http://oag.ca.gov/report).
- If you believe you were subject to discrimination, harassment or retaliation, report it to the California Department of Civil Rights at [civildrights.ca.gov/complaintprocess/](http://civildrights.ca.gov/complaintprocess/).





## **KNOW YOUR EDUCATIONAL RIGHTS**

### ***YOUR CHILD HAS THE RIGHT TO A FREE PUBLIC EDUCATION***

- All children have a right to equal access to free public education, regardless of their or their parents'/guardians' immigration status.
- All children in California:
  - Have the right to a free public education.
  - Must be enrolled in school if they are between 6 and 18 years old.
  - Have the right to attend safe, secure, and peaceful schools.
  - Have a right to be in a public school learning environment free from discrimination, harassment, bullying, violence, and intimidation.
  - Have equal opportunity to participate in any program or activity offered by the school without discrimination.

### ***INFORMATION REQUIRED FOR SCHOOL ENROLLMENT***

- Schools must accept a variety of documents from the student's parent or guardian to demonstrate proof of child's age or residency and schools are not required to keep a copy of the document used as proof of a child's age.
- Information about citizenship/immigration status is never needed for school enrollment. A Social Security number is never needed for school enrollment.

### ***CONFIDENTIALITY OF PERSONAL INFORMATION***

- Federal and state laws protect student education records and personal information. These laws generally require that schools get written consent from parents or guardians before releasing student information, unless the release of information is for educational purposes, is already public, or is in response to a court order or subpoena.
- Some schools collect and provide publicly basic student "directory information." If so, the school district must provide parents/ guardians with written notice of the directory information policy, and provide the option to refuse release of your child's information.

### ***FAMILY SAFETY PLANS IF YOU ARE DETAINED OR DEPORTED***

- You can update your child's emergency contact information, including secondary contacts, to identify a trusted adult guardian who can care for your child if you are detained or deported.
- You can complete a Caregiver's Authorization Affidavit or a Petition for Appointment of Temporary Guardian of the Person to give a trusted adult the authority to make educational and medical decisions for your child.

### ***RIGHT TO FILE A COMPLAINT***

- Your child has the right to report a hate crime or file a complaint to the school district if he or she is discriminated against, harassed, intimidated or bullied because of his or her actual or perceived nationality, ethnicity, or immigration status.

*For more information on resources for responding to immigration enforcement activities at California schools, or to file a complaint, please contact:*

Bureau of Children's Justice  
California Attorney General's Office  
P.O. Box 944255  
Sacramento, CA 94244-2550

Phone: (800) 952-5225  
E-mail: [BCJ@doj.ca.gov](mailto:BCJ@doj.ca.gov)  
<https://oag.ca.gov/bcj/complaint>



# CHECKLIST FOR IMMIGRANT STUDENTS AND FAMILIES ATTENDING PUBLIC SCHOOLS

## 1. YOU DO NOT HAVE TO SHARE THE FOLLOWING INFORMATION WITH SCHOOL OFFICIALS:

- You do not have to share information, including passports or visas, regarding the immigration status of students, parents, guardians, or other family members.
- You do not have to provide Social Security numbers (SSN) or cards.
- When completing the “Free and Reduced-Price Meals” form, only provide the last four digits of the SSN of the adult household member who signs the application.
- If the family meets the income eligibility requirements and no adult household member has a SSN, your child still qualifies. Check the “No SSN” box on forms where applicable, to ensure that applications are complete.
- If any household member participates in CalFresh, CalWORKs (California Work Opportunity and Responsibility for Kids), or FDPIR (Food Distribution Program on Indian Reservations), no adult household member needs to provide the last four digits of his or her SSN to qualify the student for free or reduced-price meals at school.
- When providing information for proof of a student’s residency or age, you do not have to use documents that could reveal information related to immigration status.

## 2. TAKE STEPS TO PROTECT STUDENT INFORMATION:

- Ask for the school’s written privacy policies regarding student information.
- Review the school’s policy for “directory information”—which allows for public release of basic student information—and consider whether to opt out of releasing of that information.

## 3. TAKE STEPS TO PREPARE FOR SITUATIONS WHERE ONE OR MORE PARENTS OR GUARDIANS ARE DETAINED OR DEPORTED:

- Develop and keep in a safe place a “Family Safety Plan” (example: [https://www.ilrc.org/sites/default/files/resources/family\\_preparedness\\_plan.pdf](https://www.ilrc.org/sites/default/files/resources/family_preparedness_plan.pdf)) that includes the following information:
- Name of a trusted adult to care for your child if no parent or guardian can.
- Emergency phone numbers and instructions on where to find important documents (birth certificates, passports, Social Security cards, doctor contact information, etc.)
- Make sure that your child’s school always has current emergency contact information, including alternative contacts if no parent or guardian is available.

## RESOURCES

The following resources are available to immigrant families responding to detentions or deportations:

- The Immigration and Customs Enforcement (ICE) detainee locator: <https://locator.ice.gov/odls/homePage.do>. Please Note: This site is intended only for locating individuals who are already detained, and not for general immigration status inquiries.
- Immigration lawyers in private practice, accredited representatives (who assist immigrants in immigration proceedings), or legal-aid organizations:
  - State Bar of California Attorney Search: <http://www.calbar.ca.gov/Attorneys>
  - California organizations accredited by Board of Immigration Appeals (BIA) to represent immigrants before the Department of Homeland Security (DHS) and Executive Office of Immigration Review (EOIR): <https://www.justice.gov/eoir/page/file/942306/download#CALIFORNIA>.
  - California Courts Self-Help Centers: <http://www.courts.ca.gov/selfhelp-selfhelpcenters.htm>.
  - Legal-aid offices and lawyer-referral services: <http://www.courts.ca.gov/getting-legal-help>.
  - The consulate or embassy of the parent’s or guardian’s country of origin.





# QUICK REFERENCE FOR SCHOOL OFFICIALS

## **WHAT TO DO IF AN IMMIGRATION-ENFORCEMENT OFFICER COMES TO YOUR SCHOOL?**

1. Notify the designated local educational agency administrator of the request.
2. Advise the immigration officer that, before proceeding with the request, and absent exigent circumstances, you must first receive direction from the local educational agency administrator.
3. Ask to see, and make a copy of or note, the officer's credentials (name and badge number), and the phone number of his/her supervisor.
4. Ask the officer for his/her reason for being on school grounds and document it.
5. Ask the officer to produce any documentation that authorizes school access.
6. Make a copy of all documents provided by the officer.
7. If the officer declares that exigent circumstances exist and demands immediate access to the school, comply with his/her orders and immediately alert the local educational agency administrator.
8. If the officer does not declare that exigent circumstances exist, respond according to the requirements of the officer's documentation. If the immigration-enforcement officer has:
  - an ICE (Immigrations and Customs Enforcement) administrative warrant or a subpoena for production of documents or other evidence, inform the officer that you cannot consent to any request without first consulting with the local educational agency's legal counsel or other designated administrator.
  - a federal judicial warrant (search-and-seizure warrant or arrest warrant), prompt compliance with such a warrant is usually legally required. If feasible, consult with your legal counsel or designated local educational agency administrator before providing the officer access to the person or materials specified in the warrant.
9. While you should not consent to access by an immigration enforcement officer unless he/ she declares exigent circumstances or has a federal judicial warrant, do not attempt to physically impede an officer, even if he/she appears to lack authorization to enter. If an officer enters the premises without consent, document his/her actions while on campus.
10. After the encounter with the officer, promptly take written notes, including the following:
  - ✓ List or copy of the officer's credentials and contact information;
  - ✓ Identity of all school personnel who communicated with the officer;
  - ✓ Details of the officer's request;
  - ✓ Whether the officer presented a warrant or subpoena to accompany his/her request, what was requested in the warrant/subpoena, and whether the warrant/subpoena was signed by a judge;
  - ✓ Your response to the officer's request;
  - ✓ Any further action taken by the officer; and
  - ✓ Photo or copy of any documents presented by the officer.
11. Notify parents or guardians as soon as possible (unless prevented by a judicial warrant or subpoena), and do so before an officer questions or removes a student for immigration- enforcement purposes (unless a judicial warrant has been presented).
12. Provide a copy of those notes, and associated documents collected from the officer, to the local educational agency's legal counsel, Superintendent, or other designated administrator.
13. E-mail the Bureau of Children's Justice in the California Department of Justice, at [BCJ@doj.ca.gov](mailto:BCJ@doj.ca.gov), regarding any attempt by a law-enforcement officer to access a school site or a student for immigration-enforcement purposes.



## **WHAT TO DO IF AN IMMIGRATION-ENFORCEMENT OFFICER REQUESTS PERSONAL INFORMATION ABOUT A STUDENT OR HIS/HER FAMILY MEMBERS?**

- **Avoiding unauthorized information disclosure:** Do not disclose information that might indicate a student's or family's citizenship or immigration status without consent of the parents, guardians, or students (if the student is 18 years of age or over), unless the information is for a legitimate educational purpose or is in response to a court order or subpoena. Providing information about a student's or family's citizenship or immigration status to immigration authorities for immigration-enforcement purposes is not for a legitimate educational purpose under federal or state law.
- **Procedure for responding to all information requests:** Take the following action steps if you receive any information request related to a student's or family's immigration or citizenship status that is not supported by a judicial warrant or court order:
  - ✓ Notify a designated local educational agency administrator about the information request.
  - ✓ Provide students and families with appropriate notice and a description of the immigration officer's request.
  - ✓ Document any verbal or written request for information by immigration authorities.
  - ✓ Provide students and parents/guardians with any documents issued by the immigration-enforcement officer.
- **Responding to court documents requesting student or family information:** Notify the parents or guardians if you receive a court order, subpoena, or warrant requesting information regarding a student or family member, unless: (1) the warrant or subpoena concerns an investigation of child abuse, child neglect, or child dependency, or (2) the subpoena prohibits disclosure.
- **Secure written consent from the parent/guardian/adult student before releasing information:** You must get written parental or guardian consent authorizing disclosure of student information, unless the information is relevant for a legitimate educational interest or includes directory information only. Because neither exception permits disclosing information to immigration authorities for immigration-enforcement purposes, no student information shall be disclosed to immigration authorities for immigration-enforcement purposes without written consent from a parent, guardian, or student (if over 18 years of age or in a postsecondary institution), or a court order or judicial subpoena.

The written consent for release of student information must include the following:

1. A description of the information to be released;
2. The reason for release of information;
3. The parties or type of parties receiving the information;
4. If requested by the parents, guardians or student (if the student is 18 years of age or older or in a postsecondary institution), a copy of the records to be released; and
5. Date and signature of the parent, guardian, or student (if 18 years of age or older or in a postsecondary institution) consenting to the release of information.

Please Note: The parent, guardian, or student (if over 18 years of age or in a postsecondary institution) is not required to sign the consent form. Therefore, you cannot release the information if the parent, guardian, or student (if over 18 years of age or in a postsecondary institution) refuses to provide written consent for its release.

Once the parent, guardian, or adult student signs and dates the consent form, keep the consent notice with the record file. Also, notify the recipient of the student/family information that further transmission of the information to other individuals is prohibited, without the written consent of the parent/guardian/student (if 18 years of age or older).



## PROTECT YOURSELF FROM IMMIGRATION SCAMS

If you need help applying for immigration relief, be careful who you hire. Watch out for immigration scams that can cost you thousands of dollars and/or harm your immigration status! Here are some tips and resources to help:

### DO

**Go to a legitimate legal aid organization for free legal help.** Many nonprofit organizations provide free immigration help to low-income individuals, such as those found through the resources below. To find a legal aid organization near you, go to [lawhelpca.org](http://lawhelpca.org).

**Access information from “.gov” websites.** These are government affiliated. Information on websites that end with “.com”, “.net”, or other domains may be untrustworthy.

**Keep your original documents in a safe place.** Don't give your original documents to anyone unless you see proof that the government requires the original document. If you give someone an original, they may lose it or refuse to return it unless you pay them.

**Keep copies of all documents associated with your immigration matter,** including copies of the immigration documents filed and correspondence from the government regarding your immigration status.

**Confirm that anyone helping you with your case is licensed or accredited.** Only lawyers, accredited representatives, and recognized organizations can give you legal advice or represent you in immigration court. Some immigration consultants may fraudulently call themselves immigration lawyers. If someone claims they are licensed in California or another state and can therefore practice immigration law, confirm they are licensed and in good standing in that particular state, visit [www.americanbar.org/groups/legal\\_services/flh-home/flh-lawyer-licensing/](http://www.americanbar.org/groups/legal_services/flh-home/flh-lawyer-licensing/). If someone claims to be an accredited representative or recognized organization, visit [justice.gov/eoir/recognition-accreditation-roster-reports](http://justice.gov/eoir/recognition-accreditation-roster-reports) to confirm that information.

### DON'T

**Do not hire an immigration consultant or a notary.** Only lawyers, accredited representatives, and recognized organizations can give you legal advice or represent you in immigration court. Immigration consultants – who may call themselves immigration experts, notarios, notaries public, or paralegals – cannot do so. They cannot provide legal advice or direction with immigration forms, help you fill out forms, or assess your eligibility for different types of immigration relief. They also cannot speak to the government on your behalf. They can only do non-legal, clerical tasks, like translating information on forms.

**Do not be persuaded by false promises or pressured to pay for immigration services.** Do not trust anyone who claims to be able to get special favors from the government or guarantees you a work permit or any other immigration benefit. Do not trust anyone who wants you to act immediately.

**Do not sign anything until you understand what you are signing.** Do not agree to anything that is not put in writing and in a language you understand. If you are not fluent in the language the contract is in, ask that it be translated. You are entitled to a contract that lists all the services that will be provided and how much each service costs. Keep a copy of the contract and all receipts of your payments.

**Do not pay for immigration forms.** These forms can be accessed for free by visiting the U.S. Citizenship and Immigration Services website at [uscis.gov/forms](http://uscis.gov/forms) or (800) 870-3676.

**Do not sign an immigration form that includes incorrect information or blanks.** Before you sign any immigration forms, be sure that the forms are fully and accurately filled out. Don't let anyone convince you to lie on a form or sign a blank form. Never sign anything until you understand what it says.



**Do not give money or personal information to anyone who calls, texts, or emails you claiming that there is a problem with your immigration matter.** No federal or state agency, including USCIS, will ever ask for your personal information or payment over the phone, by email, or text.

## **RESOURCES**

If you are the victim of an immigration scam:

- Contact your local District Attorney or county department of consumer affairs.
- Report the scam to the Federal Trade Commission at <https://reportfraud.ftc.gov/>.
- Contact the U.S. Department of Justice's FraudAbuse Prevention Program through their email at [EOIR.Fraud.Program@usdoj.gov](mailto:EOIR.Fraud.Program@usdoj.gov) or phone number at (703) 305-0470.
- Report it to the California Department of Justice at [oag.ca.gov/report](http://oag.ca.gov/report).
- Get help from a legitimate legal aid organization at <https://www.lawhelpca.org/>.

Learn more about immigration scams:

- Learn about tools to help you avoid immigrationscams at [uscis.gov/avoid-scams](http://uscis.gov/avoid-scams).

Access free immigration help:

- U.S. Department of Justice: [justice.gov/eoir/list-pro-bono-legal-service-providers](http://justice.gov/eoir/list-pro-bono-legal-service-providers) (legal services providers) or [justice.gov/eoir/recognized-organizations-and-accredited-representatives-ros-ter-state-and-city](http://justice.gov/eoir/recognized-organizations-and-accredited-representatives-ros-ter-state-and-city) (accredited representatives)
- Law Help CA: [lawhelpca.org](http://lawhelpca.org)
- Immigration Law Help: [immigrationlawhelp.org](http://immigrationlawhelp.org)
- California Department of Social Services: [cdss.ca.gov/inforesources/immigration/contractor-contact-information](http://cdss.ca.gov/inforesources/immigration/contractor-contact-information)

