

Protecting Parental Rights: Safety Planning for Parents

Immigration enforcement is on the rise, and more states are considering anti-immigrant laws like the one that recently took effect in Alabama. While no one wants to think about the possibility of being taken into custody by immigration, immigrant parents can and should take steps to prepare for the possibility of separation from their children. This will increase the likelihood that they can reunify with their children if they are detained or deported.

Please note that this information is provided for informational purposes only and does not constitute legal advice. It is always advisable to seek the assistance of an attorney who can help answer any questions you may have. If you try to access government services (including applying for a passport, talking with your children's school or going before a court) you could risk arrest if your state has passed anti-immigrant legislation. Please make decisions carefully and, if possible, ask someone with legal status to help you.

How to prepare for possible separation:

1) **Have a plan.** Decide who you want to care for your children in the event you are picked up by immigration and make sure that person is willing and able to take care of your children, possibly for weeks or months. A relative is a good choice, but only if they have legal status.

a) Make sure your chosen caregiver(s) know your preferences about schooling, medical care and whether or not you want your children to join you in your home country in the event you are deported.

b) Because care arrangements can fall through or a caregiver's situation can change, it is a good idea to identify at least two people, living in two different households, who are willing to care for your children. If you select more than one caregiver, make sure they know how to contact each other.

c) It is a good idea to select a caregiver who has legal status in the United States. If the child's caregiver is picked up by immigration, your child may be sent to a shelter or to live with a family that you do not know.

d) It may be a good idea to notify your children's

babysitter or school of your chosen caregiver(s) and make sure they know how to contact your chosen caregiver(s) in the event that you do not come to pick your children up. You do not have to explain that you are undocumented, but you should tell them that your chosen caregiver(s) is authorized to pick up and care for your children. **Be careful!** Some states have passed or are trying to pass laws that require schools to check immigration status. If you do not know whether your state has such a law, **contact an attorney or an immigrant services organization** (http://www.detentionwatchnetwork.org/sites/detentionwatchnetwork.org/files/06.17.2011_ImmigrantServicesDirectory2010.pdf).

e) Make sure your child and your chosen caregiver(s) have information that will help them find you if you are detained. Write down your name and any other names you have used, your date of birth and place of birth. Give this information to your chosen caregiver(s) and help your children memorize it, if they are old enough to do so. If you have an A# (immigration number) make sure your chosen caregiver(s) has this number. If you have family or a place you would go to if you are deported, make sure they have this information too.

2) **Talk your plan over with your children.** Make sure your children know who they will live with if you are picked up by immigration and make sure they are comfortable with this person.

a) If your children are old enough, decide together where they will live in the event you are deported.

3) **Memorize contact information for your chosen caregiver(s) and make sure your children do the same.** If you are picked up by immigration, you may not be able to make a phone call or access your cell phone to look up this information.

a) Write down names and information for how to contact your chosen caregiver(s) for your children and put it in a place where they can find it, like in their backpack or lunchbox.

4) **Collect your children's important documents.** If you are detained and deported, you will not have an opportunity to gather this information before you leave.

a) Apply for a passport for your children if they do not have one.

b) Know where your children's passport, birth certificate and social security card are, especially if they are U.S. citizens. Make copies for your chosen caregiver(s) and tell them where they can find the originals.

c) Make copies of all your children's school records, medical records and vaccination records for yourself and your chosen caregiver(s).

5) Consider a power of attorney. If you are arrested, your chosen caregiver(s) will need to make decisions about your children. A power of attorney is an agreement between you and someone you trust that gives them your permission to make these decisions. A power of attorney will not impact your custody of your children and you can end the agreement at any time. But it will be difficult to give someone your power of attorney if you are detained, so if you want to enter in a power of attorney agreement you should do so now.

a) Only appoint a trusted adult. It is best if this person has legal status.

b) A power of attorney should be notarized. If this is not possible, an informal agreement may be helpful as long as it is signed by you and the person to whom you are giving your power of attorney.

6) Consider registering your U.S. children's birth. If you are deported, your embassy may be able to assist you in reuniting with your children. However, many governments can only help if you have registered your U.S. citizen children's birth with them. If you have U.S. citizen children, call your consulate and ask about the process for registering your children. Registering your children with your home country will not effect their U.S. citizenship in any way.

What to do if you are detained:

1) Tell police and immigration officials that you have children and ask to be considered for discretion and release. You may need to ask repeatedly.

2) Contact your children's caregiver(s) and tell them where you are being held.

3) Stay in touch with your children and their caregiver(s) if you are detained. Phone calls from detention may be very expensive but it is important that you stay in touch. Your family and your children's caregiver should call the phone company and ask them to

make sure they can receive collect calls from a prison.

4) If you expect you will be deported tell your deportation officer if you want to take your children with you. Immigration officials generally will not let your children travel with you, but if they know your wishes they may be willing to help.

5) Contact your consulate and ask them to help you take your children with you. Contact information for your consulate should be posted in the detention center. If you do not know how to find this information ask the guards or your deportation officer.

6) If your children are placed into the custody of the child welfare system or in foster care, your rights as a parent may be challenged. If you receive a letter from child protective services (note this agency has different names in different states) it is VERY important that you communicate with that office IMMEDIATELY. Make sure you:

a) Tell them where you are being detained in ICE custody. If you are transferred, you must tell them because they will not know where you have been taken.

b) Tell them if you want to take your children with you if you are deported.

c) Stay in touch with your children's caseworker and try your best to follow any steps they tell you to take.

d) If you receive a letter from a family or criminal court, tell your deportation officer right away and ask to be taken to your court date or to participate by video.

e) Do as much of this in writing as possible and keep copies.

f) Maintain as much contact with your children as possible – through phone calls and letters – and keep copies of anything you send or receive (handwritten if necessary).

The Women's Refugee Commission advocates for laws, policies and programs to improve the lives and protect the rights of refugee and internally displaced women, children and young people, including those seeking asylum—bringing about lasting, measurable change.

