

Make a Plan: Essential Steps for Migrant Parents for Preventing Family Separation

Immigration enforcement is on the rise. 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. If you try to access government services (including talking with your children's school or going before a court) you could risk arrest, especially 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 if you are picked up by immigration. Make sure that person is willing and able to care for your children, possibly for weeks or months. Relatives are a good choice if they have legal status.
 - a. Make sure your chosen caregiver(s) know your preferences about schooling, medical care, and whether you want your children to join you in your home country if you are deported.
 - b. Sometimes the arrangements you make can fall through or your 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 do this, make sure your two caregivers know how to contact each other.
 - c. It is a good idea to choose a caregiver who has legal status in the United States. If you choose a caregiver without legal status, and they are 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 and school of your chosen caregiver(s) and make sure they know how to contact them if 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 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 (<https://www.immigrationadvocates.org/nonprofit/legaldirectory/>).
 - 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. The ICE online detainee locator system may help them locate you (<https://locator.ice.gov/odls/homePage.do>). 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 US 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.
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6. Consider registering your US children's birth with your home country. 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 US citizen children's birth with them. If you have US citizen children, call your consulate and ask about the process for registering your children. Registering your children with your home country will not affect their US citizenship in any way.

More Resources

Immigrant Legal Resource Center Red Cards on Constitutional Rights (<https://www.ilrc.org/red-cards>)

What to Do If You Are Detained: Essential Steps for Migrant Parents for Preventing Family Separation (<https://www.womensrefugeecommission.org/research-resources/what-to-do-if-you-are-detained-essential-steps-for-migrant-parents-for-preventing-family-separation/>)

Detained or Deported? Short Guide to Maintaining Custody of Your Children (from 2014)

English: https://www.womensrefugeecommission.org/wp-content/uploads/2020/04/Parental-Rights-Toolkit-ENGLISH_web-1.pdf

Spanish: <https://www.womensrefugeecommission.org/wp-content/uploads/2020/04/Parental-Toolkit-SPANISH-Web-1.pdf>

Read the current directive on the rights of parents in ICE custody (<https://www.womensrefugeecommission.org/ice-directive-parents-rights>)

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Women's Refugee Commission

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