IMMIGRATION POLICY 101:
What Migrant Educators Need to Know

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Louisiana Migrant Education Program
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What is an Immigrant? An immigrant is a foreign-born individual who has been admitted to reside permanently in the United States as a Lawful Permanent Resident (LPR).

How Do Immigrants Get Admitted to Permanently Reside Here? Typically a foreign-born individual seeking to become an LPR can attain legal status in one of two ways:

- Through family-sponsored immigration, a U.S. citizen can sponsor her spouse, foreign-born parent (if the sponsor is over the age of 21), minor and adult children, and brothers and sisters. A lawful permanent resident can sponsor her spouse, minor children, and adult unmarried children.

- Through employment-based immigration, a U.S. employer can sponsor someone for a specific position where there is a demonstrated absence of U.S. workers.

A small number of diversity visas are also awarded through a special lottery to individuals from specifically-designated countries.

What is a refugee? A person outside of the United States who seeks protection on the grounds that he or she fears persecution in his or her homeland is a refugee. To attain refugee status, the person must prove that he or she has a "well-founded fear of persecution" on the basis of at least one of five specifically enumerated and internationally-recognized grounds. Those grounds include the person's ♦ race, ♦ religion, ♦ membership in a social group, ♦ political opinion, or ♦ national origin.

A person who has already entered the United States, and who fears persecution if sent back to his country, may apply for asylum here. Once granted asylum, the person is called an "asylee." Like a refugee, an asylum applicant must also prove that he has a "well-founded fear of persecution" based on the same enumerated grounds.

Both refugees and asylees may apply to become LPR's after one year.

What is an Undocumented Immigrant? An undocumented immigrant is a person who is present in the United States without the permission of the U.S. government. Undocumented immigrants enter the U.S. either:

- Illegally, without being inspected by an immigration officer, or by using false documents; or

- Legally, with a temporary visa, and then remain in the U.S. beyond the expiration date of the visa.

What are Non-Immigrants? Non-immigrants are individuals who are permitted to enter the U.S. for a period of limited duration, and are given only temporary visas. Some non-immigrant (temporary) visas are given to: students, tourists, temporary workers, business executives, and diplomats.

What is a Naturalized Citizen? Lawful permanent residents are eligible to apply for U.S. citizenship through a process called naturalization. To qualify to naturalize, applicants must reside in the U.S. for 5 years (3 if they are married to a U.S. citizen) demonstrate a knowledge of U.S. history and government, show they have committed no serious crimes, have paid their taxes, are of "good moral character," and demonstrate that they understand, speak, and write ordinary English.
Personal Responsibility and Work
Opportunity Reconciliation Act of 1996
(Welfare Reform Law)
signed into law on August 22, 1996

Illegal Immigration Reform and Immigrant
Responsibility Act of 1996
(Immigration Reform Law)
signed into law on September 30, 1996

Balanced Budget Act of 1997
(Budget Act)
signed into law on August 5, 1997

WHAT THESE LAWS DO NOT DO:

1. Make legal immigrants immediately deportable if they participate in federal or state funded programs.

2. Deny all legal immigrants access to federal, state, and local funded programs.

3. Deny undocumented children the right to receive a free public education.
Family-Sponsored Immigration is how U.S. citizens and lawful permanent residents bring family members from other countries to live permanently in the U.S. Citizens may only bring their spouses, unmarried children, parents (if the citizen is over 21 years), married children, and brothers and sisters (if the citizen is over 21 years). Lawful Permanent Residents (LPRs) may bring only their spouses and unmarried minor and adult children. Neither citizens nor LPRs may bring in more distant family members, such as aunts, uncles, and cousins.

Our immigration system divides the family members eligible for sponsorship into two tiers. "Immediate relatives" of U.S. citizens (excluding brothers and sisters, unmarried and married adult children) receive an unlimited number of visas each year. All others fall into the "family preference system" which has an annual maximum limit of 226,000 visas issued per year.

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>U.S. SPONSOR</th>
<th>RELATIONSHIP</th>
<th>VISAS ALLOCATED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Immediate Relative</td>
<td>U.S. Citizen</td>
<td>spouses, unmarried minor children and parents (if the U.S. citizen is 21 years or older)</td>
<td>not numerically limited (approximately 250,000 have been issued annually in recent years)</td>
</tr>
<tr>
<td>1st Preference</td>
<td>U.S. Citizen</td>
<td>unmarried adult children (21 years or older)</td>
<td>23,400 visas/year, plus any visas left from the 4th Preference</td>
</tr>
<tr>
<td>2nd A Preference</td>
<td>LPR</td>
<td>spouses and minor children</td>
<td>87,900 visas/year</td>
</tr>
<tr>
<td>2nd B Preference</td>
<td>LPR</td>
<td>unmarried adult children (21 years or older)</td>
<td>26,300 visas/year</td>
</tr>
<tr>
<td>3rd Preference</td>
<td>U.S. Citizen</td>
<td>married adult children</td>
<td>23,400 visas/year, plus any left over from the 1st and 2nd Preferences</td>
</tr>
<tr>
<td>4th Preference</td>
<td>U.S. Citizen (21 years or older)</td>
<td>brothers and sisters</td>
<td>65,000 visas/year, plus any left over from the previous Preferences</td>
</tr>
</tbody>
</table>
Limits on Immigrants from One Country

In addition to the limits on the number of visas allocated to the different categories, U.S. law also limits the number of visas that may be issued to any one country in a year. This "per-country ceiling" (about 25,600 visas) represents the total number of family preference and employment-based visas that may be issued to nationals of a given country.

Income Requirements

To begin the process, the citizen or LPR must file a petition with the Immigration and Naturalization Service, seeking an "immigrant visa" for the family member. All citizens or LPRs wishing to petition for a family member must also earn at least 125% of the federal poverty level and sign a legally enforceable affidavit of support promising to support the immigrant financially. Petitioners are allowed to get another person to co-sign the affidavit of support on behalf of the immigrant to satisfy this financial requirement. (In this case the co-signer also assumes unlimited liability to support the immigrant.)

While this requirement was recently added to the law to ensure that immigrants will be provided for by family members and will not become a "public charge," for some hardworking but low paid Americans, it closes off an opportunity to reunite with close family members. For example, a domestic worker earning the median income for her occupation earns less than 125% of the federal poverty level for a family of two. Farm workers and bank tellers earning the median income for their occupations earn less than 125% of the federal poverty level for a family of three. A kindergarten teacher earning the median income for her occupation would not make the required income if she provided for a family of four. Though they may be hard working, these Americans are the ones who will most likely have trouble meeting the new income requirement.

WHEN VISAS ARE NOT AVAILABLE

The law requires that family preference visas be issued to eligible immigrants in the order the petitions are filed. When there are more applicants applying for visas in a preference category than there are visas available, the preference category is considered "over-subscribed." Applicants must then wait until a visa becomes available before they can immigrate to the United States. Currently, waits can be up to 20 years depending on the preference category and country. In most cases, family members must wait outside the United States until a visa is available, and thus remain separated from their families. Control over the order and numbers of visas granted in each preference category remains in effect despite the existence of a waiting list.

Sources:

Revised February 1999 by the National Immigration Forum, 220 I Street, NE #220, Washington, DC 20002-4362
Phone: 202-544-0004 • Fax: 202-544-1905
Deferred Action for Childhood Arrivals: Response to January 2018 Preliminary Injunction

Feb. 14, 2018, Update: USCIS is not accepting requests from individuals who have never before been granted deferred action under DACA. Due to federal court orders on Jan. 9, 2018 and Feb. 13, 2018, USCIS has resumed accepting requests to renew a grant of deferred action under DACA. The scope of the Feb. 13 preliminary injunction issued in the Eastern District of New York is the same as the Jan. 9 preliminary injunction issued in the Northern District of California. Unless otherwise provided in this guidance, the DACA policy will be operated on the terms in place before it was rescinded on Sept. 5, 2017, until further notice.

Individuals who were previously granted deferred action under DACA may request renewal by filing Form I-821D (PDF), Form I-765 (PDF), and Form I-765 Worksheet (PDF), with the appropriate fee or approved fee exemption request, at the USCIS designated filing location, and in accordance with the instructions to the Form I-821D (PDF) and Form I-765 (PDF). USCIS is not accepting requests from individuals who have never before been granted deferred action under DACA. USCIS will not accept or approve advance parole requests from DACA recipients.

If you previously received DACA and your DACA expired on or after Sept. 5, 2016, you may still file your DACA request as a renewal request. Please list the date your prior DACA ended in the appropriate box on Part 1 of the Form I-821D.

If you previously received DACA and your DACA expired before Sept. 5, 2016, or your most recent DACA grant was previously terminated, you cannot request DACA as a renewal (because renewal requests typically must be submitted within one year of the expiration date of your last period of deferred action approved under DACA), but you may nonetheless file a new initial DACA request in accordance with the Form I-821D and Form I-765 instructions. To assist USCIS with reviewing your DACA request for acceptance, if you are filing a new initial DACA request because your DACA expired before Sept. 5, 2016, or because it was terminated at any time, please list the date your prior DACA expired or was terminated on Part 1 of the Form I-821D, if available.

Deferred action is a discretionary determination to defer a removal action of an individual as an act of prosecutorial discretion. Further, deferred action under DACA does not confer legal status upon an individual and may be terminated at any time, with or without a Notice of Intent to Terminate, at DHS’s discretion. DACA requests will be adjudicated under the guidelines set forth in the June 15, 2012 DACA memo (PDF).

Who Can File for Renewal of DACA

You may request renewal of DACA if you met the initial 2012 DACA guidelines and you:

- Did not depart the United States on or after Aug. 15, 2012, without advance parole;
- Have continuously resided in the United States since you submitted your most recent DACA request that was approved;
- Have not been convicted of a felony, a significant misdemeanor, or three or more other misdemeanors; and
 Deferred Action for Childhood Arrivals: Response to January 2018 Preliminary Injunction | USCIS

- Do not otherwise pose a threat to national security or public safety.

As noted above, you may only request renewal of DACA if you previously received DACA and your DACA expired (or will expire) on or after Sept. 5, 2016. If you previously received DACA and your DACA expired before Sept. 5, 2016, or your most recent DACA grant was previously terminated, you cannot request DACA as a renewal, but may instead submit a new initial DACA request with evidence that you meet the initial DACA guidelines.

How to Renew

- Complete and sign:
  - Form I-821D, Consideration of Deferred Action for Childhood Arrivals
    - Use the most recent version of Form I-821D on our website or the previous edition dated 6/04/14, or USCIS will reject your request.
    - If you previously received DACA and your DACA expired on or after Sept. 5, 2016, you may still file your DACA request as a renewal request. Please list the date your prior DACA ended in the appropriate box on Part 1 of the Form I-821D.
    - If you previously received DACA and your DACA expired before Sept. 5, 2016, or your most recent DACA grant was previously terminated, you cannot request DACA as a renewal (because renewal requests typically must be submitted within one year of the expiration date of your last period of deferred action approved under DACA), but you may nonetheless file a new initial DACA request in accordance with the Form I-821D and Form I-765 instructions. If you are filing a new initial DACA request because your DACA expired before Sept. 5, 2016, or because it was terminated at any time, please list the date your prior DACA expired or was terminated on Part 1 of the Form I-821D, if available.
  - Form I-765, Application for Employment Authorization
    - Use the most recent version of Form I-765 on our website or USCIS will reject your request.
    - Form I-765WS Worksheet (PDF, 241 KB)
  - Follow the instructions on all three forms to submit them to USCIS. Make sure you submit the correct fees or an approved fee exemption request.

Additional Documents

Do not submit any additional documents at the time you request renewal unless:

- You have new documents involving removal proceedings or criminal history that you did not already submit to USCIS in a previously approved DACA request.

USCIS may request additional documents or statements to verify information provided in support of requests for renewal of DACA. We may contact other government agencies, educational institutions, employers, or other entities in order to verify information.

If you knowingly and willfully provide materially false information on Form I-821D, you will be committing a felony punishable by a fine or up to 10 years in prison, or both (see 18 U.S.C. § 1001; 18 U.S.C. § 1546). In addition, you may be placed into removal proceedings.

USCIS 2018 DACA Preliminary Injunction FAQs

Q1: Do the archived USCIS DACA FAQs still apply?
A1: Yes, except as explained below. Unless otherwise provided in this guidance, the DACA policy will be

operated on the terms in place before it was rescinded on Sept. 5, 2017, until further notice.

Q2: If individuals meet the guidelines for consideration of DACA and are encountered by U.S. Customs and Border Protection (CBP) or U.S. Immigration and Customs Enforcement (ICE), will they be placed into removal proceedings?
A2: DACA was intended, in part, to allow CBP and ICE to focus on priority cases. Under the direction of the Secretary of Homeland Security, if an individual meets the guidelines for DACA, CBP or ICE should exercise their discretion on a case-by-case basis to prevent qualifying individuals from being apprehended, placed into removal proceedings, or removed. If you are currently in immigration detention, identify yourself to your case officer explaining you believe you meet the DACA guidelines. If your case officer is unavailable, you can contact the ICE Detention Reporting and Information Line at 1-888-351-4024 (staffed 8 a.m. – 8 p.m., Monday – Friday); or email ERO.INFO@ice.dhs.gov and the appropriate action will be taken in a timely manner. If you are not in immigration detention and want to affirmatively request consideration of deferred action for childhood arrivals, you must submit your request to USCIS – not ICE – under the procedures established by USCIS.

Q3: If I am about to be removed by ICE and believe that I meet the guidelines for consideration of DACA, what steps should I take to seek review of my case before removal?
A3: If you believe you can demonstrate that you meet the guidelines and are about to be removed, you should immediately contact your case officer, the field office director, or the ICE Detention Reporting and Information Line at 1-888-351-4024 (staffed 8 a.m. – 8 p.m., Monday – Friday); or email ERO.INFO@ice.dhs.gov.

Initial DACA Requests

Q4: Who can file an initial DACA request?
A4: If you have never before been granted deferred action under DACA, USCIS will not accept your initial DACA request.

USCIS is only accepting initial DACA requests from individuals who previously received DACA and whose DACA expired before Sept. 5, 2016, or whose most recent DACA grant was previously terminated. Such individuals cannot file a renewal request, but can file a new initial DACA request. If you are filing a new initial DACA request because your DACA expired before Sept. 5, 2016, or because your most recent DACA grant was previously terminated, please list the date your prior DACA expired or was terminated on Part 1 of the Form I-821D, if available.

You must file your DACA request in accordance with the instructions for the Form I-821D and Form I-765. Please see part II. Initial Requests for DACA in the archived DACA FAQs for additional information about filing an initial request.

Q5: My previously submitted initial DACA request was rejected, but I received a letter from USCIS inviting me to resubmit my initial request within 33 calendar days. My resubmitted request was received by the 33-day deadline. Will my initial DACA request still be adjudicated even though I have not previously received DACA?
A5: Yes. If USCIS invited you to resubmit your initial DACA request and it was received within 33 calendar days of the invitation letter, your initial DACA request will be adjudicated.

Q6: My previously submitted initial DACA request was rejected, but I received a letter from USCIS inviting me to resubmit my initial request within 33 calendar days. I did not meet the 33-day deadline. Can I still submit an initial DACA request?
A6: No. Please refer to Q4.

Q7: I believe that my initial DACA request was delivered by Sept. 5, 2017, but since it wasn’t officially “received” by USCIS until the following day, my request was rejected and returned to me. However, I haven’t been contacted by USCIS to resubmit my initial DACA request. What should I do?
A7: If you believe your initial DACA request was delivered by Sept. 5, 2017, but you have not been contacted by USCIS to resubmit your request, you may contact Lockbox Support and explain your
situation prior to resubmitting your package for reconsideration. To contact Lockbox Support, please email lockboxsupport@uscis.dhs.gov. Provide any information you feel is relevant to your belief that your initial DACA request was received by USCIS in a timely manner.

Q8: I believe that my initial DACA request was delivered after Sept. 5, 2017, due to U.S. Postal Service (USPS) mail processing issues. However, I haven’t been contacted by USCIS to resubmit my DACA request. What should I do?
A8: If you believe a USPS mail processing issue contributed to your initial DACA request being received by USCIS after the filing deadline but have not been contacted by USCIS to resubmit your request, you may contact Lockbox Support and explain your situation. To contact Lockbox Support, please email lockboxsupport@uscis.dhs.gov. Provide any information you feel is relevant to your belief that your initial DACA request was properly filed and received by USCIS after the filing deadline due to USPS mail processing issues.

**DACA Renewal Requests**

Q9: Who can file a DACA renewal request?
A9: Anyone who previously received DACA provided their last period of deferred action approved under DACA expires on or after Sept. 5, 2016. Please list the date on or after Sept. 5, 2016, your prior DACA ended (or will end) in the appropriate box on Part 1 of the Form I-821D.

You must file your DACA request in accordance with the form instructions for the Form I-821D and form I-765. Please see part III. Renewal of DACA in the archived DACA FAQs for additional information about filing a renewal request.

Q10: My previously submitted DACA renewal request was rejected, but I received a letter from USCIS inviting me to resubmit my renewal request within 33 calendar days. I did not meet the 33-day deadline. Can I still submit a DACA renewal request?
A10: Yes. Please refer to Q9.

Q11: My previously submitted DACA renewal request was rejected, but I did not receive a letter from USCIS inviting me to resubmit. Can I still submit a DACA renewal request?
A11: Yes. Please refer to Q9.

**Advance Parole**

Q12: Can I still request advance parole based on having DACA?
A12: No. USCIS no longer approves applications for an advance parole document relating to DACA. If you want to travel outside the United States, you must have previously received advance parole and have a valid advance parole document.

While USCIS will not approve any new applications for an advance parole document relating to DACA, it will generally honor the stated validity period on your previously approved advance parole document. However, CBP will retain the authority it has always exercised in determining the admissibility of any person presenting at the border. Further, USCIS retains the authority to revoke or terminate an advance parole document at any time.

**CAUTION:** If you have been ordered deported or removed, and you have obtained an advance parole document, you may want to consult with an immigration attorney or an accredited representative of a Department of Justice-recognized organization before traveling outside of the United States.

**CAUTION:** If you travel outside the United States on or after Aug. 15, 2012, without a valid advance parole document, your departure automatically terminates your deferred action under DACA.

**Processing of DACA Requests**

Q13: My deferred action under DACA has already expired or is expiring soon. Can my DACA request be expedited?
A13: No. There is no expedited processing for deferred action. Dishonest practitioners may promise to provide you with faster service if you pay them a fee. These people are trying to scam you and take your money.

**CAUTION:** If you are told to pay a fee for expedited processing, you may be dealing with a scammer.
your money. Visit our Avoid Scams page to learn how you can protect yourself from immigration scams.

Make sure you seek information about requests for consideration of DACA from official government sources such as USCIS or DHS. If you are seeking legal advice, visit our Find Legal Services page to learn how to choose a licensed attorney or accredited representative.

Q14: What will happen if my current DACA expires before my renewal is processed? Will I be at risk of removal while this issue is being resolved?
A14: Consistent with longstanding USCIS policy, you will not have deferred action during gaps of time between the end of your current DACA and the agency’s adjudication of your renewal request.

Information provided to USCIS for the DACA process will not make you an immigration priority for that reason alone. That information will only be proactively provided to ICE or CBP if the requestor meets the criteria for the issuance of a Notice To Appear or a referral to ICE under the criteria set forth in USCIS’ Notice to Appear guidance (www.uscis.gov/NTA). This information-sharing policy has not changed in any way since it was first announced, including as a result of the Sept. 5, 2017, memo starting a wind-down of the DACA policy. This policy, which may be modified, superseded, or rescinded at any time with or without notice (as has always been the case, and is noted in the archived USCIS DACA FAQs), is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable by law by any party in any administrative, civil, or criminal matter.

Q15: If my DACA renewal request is approved after expiration of my current DACA, will the renewed deferred action apply retroactively?
A15: No. In accordance with longstanding policy, an approved DACA request will not apply retroactively. An individual’s deferred action under the DACA policy begins the day USCIS approves the renewal request and is generally valid for 2 years from the date of issuance.

Q16: If my DACA renewal request is rejected with instructions on how to remedy the problem identified and submit a properly filed DACA renewal request, but the court order requiring USCIS to accept renewal requests is vacated before I am able to submit another DACA renewal request, what will happen?
A16: USCIS will continue to accept DACA renewal requests only for as long as the court order remains in effect.

* * * * *

The above FAQs, which may be modified, superseded, or rescinded at any time with or without notice, are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable by law by any party in any administrative, civil, or criminal matter.

Last Reviewed/Updated: 02/22/2018
Do's and Don’ts for students and their families if ICE authorities come to their homes

❖ Do not open the door. ICE authorities cannot come in without a signed warrant. Tell them to pass the warrant under the door before you open it.
❖ Remain silent. ICE can use anything you say against you in your immigration case, so claim your right to remain silent! Say “I plead the Fifth and choose to remain silent.”
❖ Do not sign. Don’t sign anything ICE gives you without talking to an attorney.
❖ Report the raid immediately to the United We Dream hotline: 844-363-1423
Take pictures, video and notes: Write down badge numbers, the number of agents, and exactly what happened!
❖ Fight back! Get a trustworthy attorney, contact a local immigrant rights organization and explore all options to fight your case. If detained, you may be able to get bail—don’t give up hope!

For more resources and information, contact:
❖ American Federation of Teachers
  www.aft.org/immigration
❖ Share My Lesson
  www.sharemylesson.com/immigration
❖ Colorin Colorado
  www.colorincolorado.org/immigration
❖ National Immigration Law Center
  www.nilc.org
❖ United We Dream
  www.unitedwedream.org
❖ First Focus
  www.firstfocus.org

All children have a right to a public education
Under federal law, all children, regardless of their citizenship or residency status, are entitled to a K-12 education, including college counseling services. School districts that either prohibit or discourage children from enrolling in schools because they or their parents are undocumented immigrants may be in violation of federal law.

What the law says about deportation and schools
ICE officers and agents are to refrain from enforcement actions at least at the following locations and events:
❖ schools (including preschools, primary schools, secondary schools, colleges and universities, and other institutions of learning, such as vocational and trade schools);
❖ hospitals;
❖ churches, synagogues, mosques and other institutions of worship, such as buildings rented for the purpose of religious services;
❖ during funerals, weddings and other public religious ceremonies; and
❖ during public demonstrations, such as a march, rally or parade.

What the law says about sharing student information with immigration authorities
Under the Family Educational Rights and Privacy Act (FERPA), schools are prohibited, without parental consent, from providing information from a student’s file to federal immigration agents if the information would potentially expose a student’s immigration status. For more on FERPA, see familypolicy.ed.gov/ferpa-parents-students.

Schools must be safe havens, welcoming places of learning, and free from racism, discrimination, and the threat of deportation.
School districts are responsible for ensuring the safety and well-being of all their students. Educators and school support staff can work with community allies to reaffirm that their school and campus is a safe zone.

American Federation of Teachers, AFL-CIO
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MEMORANDUM FOR: Field Office Directors
Special Agents in Charge
Chief Counsel

FROM: John Morton
Director

SUBJECT: Enforcement Actions at or Focused on Sensitive Locations

Purpose

This memorandum sets forth Immigration and Customs Enforcement (ICE) policy regarding certain enforcement actions by ICE officers and agents at or focused on sensitive locations. This policy is designed to ensure that these enforcement actions do not occur at or are focused on sensitive locations such as schools and churches unless (a) exigent circumstances exist, (b) other law enforcement actions have led officers to a sensitive location as described in the "Exceptions to the General Rule" section of this policy memorandum, or (c) prior approval is obtained. This policy supersedes all prior agency policy on this subject.

Definitions

The enforcement actions covered by this policy are (1) arrests; (2) interviews; (3) searches; and (4) for purposes of immigration enforcement only, surveillance. Actions not covered by this policy include actions such as obtaining records, documents and similar materials from officials or employees, providing notice to officials or employees, serving subpoenas, engaging in Student and Exchange Visitor Program (SEVP) compliance and certification visits, or participating in official functions or community meetings.

The sensitive locations covered by this policy include, but are not limited to, the following:

1 Memorandum from Julie L. Myers, Assistant Secretary, U.S. Immigration and Customs Enforcement, “Field Guidance on Enforcement Actions or Investigative Activities At or Near Sensitive Community Locations” 10029.1 (July 3, 2008); Memorandum from Marcy M. Forman, Director, Office of Investigations, “Enforcement Actions at Schools” (December 26, 2007); Memorandum from Janies A. Pulic, Immigration and Naturalization Service (INS) Acting Associate Commissioner, “Enforcement Activities at Schools, Places of Worship, or at funerals or other religious ceremonies” HQ 807-P (May 17, 1993). This policy does not supersede the requirements regarding arrests at sensitive locations put forth in the Violence Against Women Act, see Memorandum from John P. Torres, Director Office of Detention and Removal Operations and Marcy M. Forman, Director, Office of Investigations, “Interim Guidance Relating to Officer Procedure Following Enactment of VAWA 2005 (January 22, 2007).
Enforcement Actions at or Focused on Sensitive Locations

- schools (including pre-schools, primary schools, secondary schools, post-secondary schools up to and including colleges and universities, and other institutions of learning such as vocational or trade schools);
- hospitals;
- churches, synagogues, mosques or other institutions of worship, such as buildings rented for the purpose of religious services;
- the site of a funeral, wedding, or other public religious ceremony; and
- a site during the occurrence of a public demonstration, such as a march, rally or parade.

This is not an exclusive list, and ICE officers and agents shall consult with their supervisors if the location of a planned enforcement operation could reasonably be viewed as being at or near a sensitive location. Supervisors should take extra care when assessing whether a planned enforcement action could reasonably be viewed as causing significant disruption to the normal operations of the sensitive location. ICE employees should also exercise caution. For example, particular care should be exercised with any organization assisting children, pregnant women, victims of crime or abuse, or individuals with significant mental or physical disabilities.

Agency Policy

General Rule

Any planned enforcement action at or focused on a sensitive location covered by this policy must have prior approval of one of the following officials: the Assistant Director of Operations, Homeland Security Investigations (HSI); the Executive Associate Director (EAD) of HSI; the Assistant Director for Field Operations, Enforcement and Removal Operations (ERO); or the EAD of ERO. This includes planned enforcement actions at or focused on a sensitive location which is part of a joint case led by another law enforcement agency. ICE will give special consideration to requests for enforcement actions at or near sensitive locations if the only known address of a target is at or near a sensitive location (e.g., a target’s only known address is next to a church or across the street from a school).

Exceptions to the General Rule

This policy is meant to ensure that ICE officers and agents exercise sound judgment when enforcing federal law at or focused on sensitive locations and make substantial efforts to avoid unnecessarily alarming local communities. The policy is not intended to categorically prohibit lawful enforcement operations when there is an immediate need for enforcement action as outlined below. ICE officers and agents may carry out an enforcement action covered by this policy without prior approval from headquarters when one of the following exigent circumstances exists:

- the enforcement action involves a national security or terrorism matter;
- there is an imminent risk of death, violence, or physical harm to any person or property;
Enforcement Actions at or Focused on Sensitive Locations

- the enforcement action involves the immediate arrest or pursuit of a dangerous felon, terrorist suspect, or any other individual(s) that present an imminent danger to public safety; or
- there is an imminent risk of destruction of evidence material to an ongoing criminal case.

When proceeding with an enforcement action under these extraordinary circumstances, officers and agents must conduct themselves as discretely as possible, consistent with officer and public safety, and make every effort to limit the time at or focused on the sensitive location.

If, in the course of a planned or unplanned enforcement action that is not initiated at or focused on a sensitive location, ICE officers or agents are subsequently led to or near a sensitive location, barring an exigent need for an enforcement action, as provided above, such officers or agents must conduct themselves in a discrete manner, maintain surveillance if no threat to officer safety exists and immediately consult their supervisor prior to taking other enforcement action(s).

Dissemination

Each Field Office Director, Special Agent in Charge, and Chief Counsel shall ensure that the employees under his or her supervision receive a copy of this policy and adhere to its provisions.

Training

Each Field Office Director, Special Agent in Charge, and Chief Counsel shall ensure that the employees under his or her supervision are trained (both online and in-person/classroom) annually on enforcement actions at or focused on sensitive locations.

No Private Right of Action

Nothing in this memorandum is intended to and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

This memorandum provides management guidance to ICE officers exercising discretionary law enforcement functions, and does not affect the statutory authority of ICE officers and agents, nor is it intended to condone violations of federal law at sensitive locations.
WILL USING BENEFITS HURT MY CHANCES OF GETTING A GREEN CARD OR BECOMING A U.S. CITIZEN?

GOOD NEWS! INS says:

If you DO NOT have a green card yet

😊 It will NOT hurt your chances of getting a green card if YOU, your CHILDREN, or other FAMILY MEMBERS use:

✨ HEALTH CARE, such as: Medicaid, Children's Health Insurance Program, WIC, prenatal care, other free or low-cost medical care

✨ FOOD programs, such as: Food Stamps, WIC, school meals, and other food assistance.

✨ Other programs that do not give cash, such as: public housing, disaster relief, child care services, job training, transportation vouchers

😢 You MIGHT have a problem getting your green card later ONLY IF:

✨ YOU use CASH WELFARE, such as: Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), General Assistance (GA)

✨ OR your family's only source of support is cash welfare received by your CHILDREN or other FAMILY MEMBERS

✨ OR you are in a nursing home or other LONG-TERM CARE paid for by Medicaid or other government funds

Call one of the phone numbers listed on the back for more information.

If you are a REFUGEE or ASYLEE

😊 You can use ANY benefits, including cash welfare, health care, food programs, and non-cash programs, without hurting your chances of getting a green card.
If you already HAVE a green card

😊 You CANNOT lose your green card if YOU, your CHILDREN, or other FAMILY MEMBERS use:

🌟 HEALTH CARE, FOOD programs, and other NON-CASH programs

🌟 CASH WELFARE

🌟 LONG-TERM CARE

😊 But You MIGHT have a problem:

🌟 If you leave the U.S. for more than 6 months continuously and you have used cash welfare or long-term care.

🌟 OR in extremely rare cases, if you use cash welfare or long-term care during your first 5 years in the U.S., for reasons (such as an illness or disability) that existed before you entered the country.

Call one of the phone numbers below for more information.

If you are applying for U.S. citizenship

😊 You CANNOT be denied U.S. citizenship for lawfully receiving benefits, including cash welfare, health care, food programs, and non-cash programs.

If you want to sponsor your relative

😊 Using benefits, including cash welfare, health care, food programs, and non-cash programs, should not prevent you from sponsoring your relative. But you will need to show that you or your co-sponsor earn enough income to support your relative.

FOR MORE INFORMATION, CALL: OR CALL: