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KNOW YOUR RIGHTS

**EDUCATORS FOR IMMIGRANT YOUTH
11.22.16**



AGENDA

- Intro & Context – NEA President Lily Eskelsen Garcia
- Who are the undocumented? – Shiu-Ming Cheer
- DACA students & the future of the program – Shiu-Ming Cheer
- Know Your Rights - ICE questioning, home raids, safety planning – Shiu-Ming Cheer
- Know Your Rights - right to education, privacy, enforcement on school grounds – Emma Leheny
- What can educators do? - Emma Leheny
- Q&A (15 mins)

WHO ARE UNDOCUMENTED YOUTH?

- Approximately 2.5 million undocumented youth live in the United States.
- Each year, 80,000 undocumented youth turn 18 years of age.
- Each year, 65,000 undocumented youth graduate from high school, of which only 5 to 10 percent enroll in college.
- Of these undocumented youth enrolled in college, only 1- 3 percent graduate each year.

HOW IS DEPORTATION TRIGGERED?

- Everyday locations
 - Workplaces
 - Home
 - Streets
 - Buses, trains
- Upon being stopped by police
- Through the criminal justice system
- Trying to re-enter the country
- Applying for immigration benefit



WHAT DOES THE DEPORTATION PROCESS LOOK LIKE?

- Sometimes no hearing before a Judge
- Fewer protections than criminal justice system
 - No right to court-appointed attorney
- Coercion by ICE to “agree” to deportation
- Few defenses in immigration court
- Permanent exile



IMPACT OF DEPORTATION

- When parents are deported, entire families are affected. Children must either remain behind without parental support or leave with their parents to a foreign and unknown country. Either option is harmful to children.
 - The removal of parents can also force children to interrupt or curtail their educations.
- Research shows that children who have had a parent detained or deported experience:
 - increased occurrences of PTSD;
 - the negative consequences of a sudden loss of parental income, such as housing and food insecurity; and
 - increased risk of entering the child welfare system



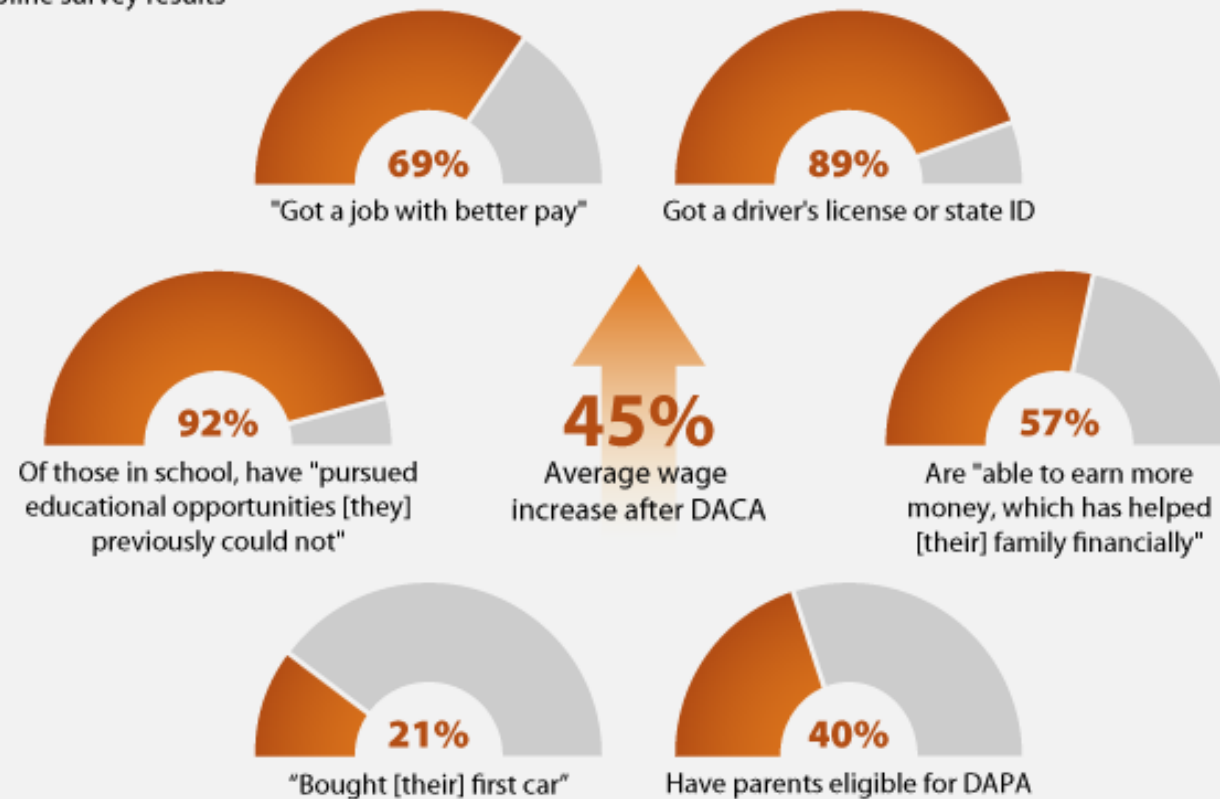


DACA STUDENTS

IMPACT OF DACA

- Over 700,000 people have received DACA

FIGURE 1
DACA is significantly improving the lives of recipients
Topline survey results



Source: Wong/NILC/CAP survey of DACA recipients, June 2015.

DACA & EDUCATION



According to a recent survey:

- 46% of respondents are currently in school.
 - 83% of them are also working.
- 21% of respondents work in educational and health services.

(see <https://www.americanprogress.org/issues/immigration/news/2016/10/18/146290/new-study-of-daca-beneficiaries-shows-positive-economic-and-educational-outcomes/>)

DACA & EDUCATION

According to a recent survey:

- Among those who are currently in school, **92% said that because of DACA, “I pursued educational opportunities that I previously could not.”**
- These educational opportunities include:
 - Including early childhood education, biochemistry, computer science, creative writing, graphic design, neuroscience, nursing, social work, and urban planning, among many others.

(see


<https://www.americanprogress.org/issues/immigration/news/2016/10/18/146290/new-study-of-daca-beneficiaries-shows-positive-economic-and-educational-outcomes/>)



FUTURE OF DACA

- Trump has said that he intends to end the DACA program; we don't know exactly if, when, or how he might do this.
- Concerns about the information that DACA applicants have submitted on their applications.
- DACAmented people would not necessarily be automatically at greater risk of being deported if the DACA program is terminated.
 - DACA recipients are considered “low priority”
 - DACA program has been high profile & successful





**KNOW YOUR
RIGHTS -
INDIVIDUALS**

WHAT TO DO IF YOU ARE QUESTIONED BY THE POLICE OR ICE

Everyone who lives in the U.S. has legal rights, regardless of immigration status



REPORT RAIDS

- Call United We Dream's hotline to report a raid: 1-844-363-1423.
- Send text messages to 877877.
- If it's possible, take photos and videos, and also take notes on what happened during the raid.



PREPARING FOR A RAID OR ARREST

Have an emergency plan

- Phone numbers to call
- Lawyer's name and number
- Someone to take care of your family
 - Esp children & elderly
- List of medication
- Safe place at home where you keep important papers and contact information



PREPARE COMMUNITY FOR A RAID OR ARREST

- Create a network of friends, family, neighbors, etc.
 - Phoenix, AZ: “barrio defense committees” created to be ready to protest or take action if someone was taken by ICE.
- Could include text tree, phone tree, noisemakers, banners, videographers, photographers, legal observers, etc.
- Develop a rapid response team
 - Including attorneys, communications people, and community leaders such as educators.
 - Ex: LA Raids Rapid Response Network.





**KNOW YOUR
RIGHTS -
SCHOOLS**

**UNDOCUMENTED
CHILDREN HAVE A**

CONSTITUTIONAL RIGHT

**TO FREE PUBLIC K-12
EDUCATION**



***PLYLER V. DOE* ACCESS TO EDUCATION**

States **CANNOT Withhold State Funding** for K-12 Education of Undocumented Students or Allow Districts to **Deny Enrollment** Based on Immigration Status.

THE DENIAL OF EDUCATION TO A GROUP OF CHILDREN “POSES AN AFFRONT” TO A BASIC GOAL OF **EQUAL PROTECTION**: ABOLISHING “OBSTACLES TO ADVANCEMENT ON THE BASIS OF INDIVIDUAL MERIT.”

Plyler v. Doe, 457 U.S. 202, 221 (1982).



SCHOOLS AS SENSITIVE LOCATIONS


2011 ICE MEMORANDUM

AT SCHOOLS, HOSPITALS, PLACES OF WORSHIP, DEMONSTRATIONS
THERE SHOULD BE **NO ICE ARRESTS**, INTERVIEWS, SEARCHES

****VULNERABLE TO WITHDRAWAL BY NEW ADMINISTRATION****



Wildin Acosta and the NEA North Carolina Teachers and Students Lobby Who Lobbied for his Release



**WHAT CAN
EDUCATORS
DO?**

ACTION STEPS FOR EDUCATORS

REAFFIRM YOUR SUPPORT FOR ALL STUDENTS

INCLUSIVE LESSON PLANS

<http://www.nea.org/tools/lessons/59206.htm>

SCHOOL BOARD ACTIVISM

<https://www.nea.org/assets/docs/ice-raids-fact-sheet-1.pdf>

CLASSROOM ENVIRONMENT

<http://educationvotes.nea.org/neaedjustice/social-justice/issues/immigration/>

SANCTUARY PETITIONS

https://docs.google.com/forms/d/e/1FAIpQLSebt9BS305_PDLU-vYNPeu-BPurRIM9_ZrBBrPQQ0xIEOMQMw/viewform (CUNY example)

LAW ON STUDENT PRIVACY (FERPA)

The Family Educational Rights and Privacy Act

- District cannot disclose personally identifiable information in a student “**education records**”
- District can disclose “**directory information**” without consent unless families have opted out

ADVOCATING FOR STUDENT PRIVACY

You and your Association can work to ensure that:

- District does not include immigration status in education records
- Educators do not include immigration status in education records
- District does not include place of birth in directory information
- Parents know they can opt out of directory information disclosure
- District does not release data without subpoena and legal advice

ADVOCACY REMINDER

THE LEGAL PROTECTIONS THAT APPLY TO YOU WHEN ADVOCATING ON THESE ISSUES DEPEND ON WHEN, WHERE AND HOW YOU DO IT.

*ARE YOU IN YOUR ROLE AS EMPLOYEE, UNION MEMBER OR INDIVIDUAL?
EMPLOYER CAN SET NON-DISCRIMINATORY LIMITS.*

RIGHTS AND RISKS VARY BY SITUATION: CONSULT YOUR ASSOCIATION.

RESOURCES

- <https://www.nilc.org/KnowYourRights/>
- <http://www.nea.org/assets/docs/HE/09undocumentedchildren.pdf>
- <https://www.nilc.org/issues/immigration-enforcement/todos-tienen-derechos-basicos/>
- <https://nationalimmigrationproject.org/PDFs/community/know-your-rights-eng-casa-maryland.pdf>
- <http://educationvotes.nea.org/wp-content/uploads/2013/06/favianna-welcome-dreamers4.jpg>
- <https://www.nilc.org/wp-content/uploads/2016/06/ICE-Raids-Educators-Guide-2016-06.pdf>

QUESTIONS?

NEA Human & Civil Rights

Please email NEAEdJustice@nea.org with your questions, concerns, and ideas. Our staff reviews and responds frequently.



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