



MAKE A PLAN: MIGRANT PARENTS' GUIDE TO PREVENTING FAMILY SEPARATION

Immigration enforcement is on the rise following new executive orders from President Trump that put many more non-citizens at risk of being apprehended by Immigration and Customs Enforcement (ICE). Immigrant parents should know their rights and take steps to prepare for the possibility of separation from their children. This will increase the likelihood that you can reunify with your children if you are detained or deported and that they will be well cared for and safe while not in your care.¹

Preparing for Possible Separation: What You Should Do

Make a plan

The most important thing you can do to prepare yourself and your children for the possibility of apprehension by ICE is to make a family safety plan. The plan should answer the following questions:

- Who do you want to care for your children if you are detained or deported?
- How will you contact your children or their caregiver if you are detained? How will your children or their caretaker contact you when you are detained or deported?
- How will that person care for them, get them to school and medical appointments, etc.?
- Where do you want them to live while you are detained?
- Do you want them to stay in the US or join you in your country of origin?
- If you are deported and your children will remain in the US, will they be in a stable living arrangement? How will they pay for food, clothing, medical expenses? Who has the authority to make decisions about their day to day care?

Choose a caregiver

Make sure your chosen caregiver is willing and able to care for your children, possibly for weeks, months or even longer if you decide you want your children to remain in the US if you are removed. Relatives are a good choice, if they have legal status.

- It is best to select a caregiver who has legal status in the US. If the caregiver is picked up by ICE while caring for your children, your child may be sent to a shelter or to live with a family that you do not know.
- Care arrangements can fall through or a caregiver's situation can change, so 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.
- Make sure your chosen caregiver(s) knows your preferences about schooling, medical care and whether or not you want your children to join you in your home country if you are deported.
- Tell your children's babysitter, day care, or school who your chosen caregiver(s) is and make sure they know how to contact your chosen caregiver(s) in case 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.

¹ Please note that this information is provided for informational purposes only and does not constitute legal advice. Always seek the assistance of immigration and family law attorneys who know the law in your state. Please make decisions carefully. Connect with an immigrant services organization in your state through Facebook, Twitter or other channels to stay informed about ICE actions in your area and changes in state or federal law that may affect your safety.

- Make sure your child and your chosen caregiver(s) both know how to try to find and contact 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 can help them find you: <https://locator.ice.gov/odls/homePage.do>. If any of your children are not US citizens, make sure your chosen caregiver has their A# and identifying information also.
 - If you have family or a place you would go to if you are deported, make sure your chosen caregiver(s) and your older children have this information too.

Make sure that your children are prepared

Make sure your children know who they will live with if you are picked up by ICE, and make sure they feel comfortable with this person. If your children are old enough, decide together where they will live if you are deported.

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

Get important documents in order

Collect your children's important documents like their passport, social security card, school records, vaccination records and medical records. If your children are not US citizens, make sure to collect any information related to their immigration case, including their A#, government-issued paperwork, and evidence in their case. (Not all non-citizen children will have an immigration case). If you are detained and deported, you will not have an opportunity to gather this information before you leave. Make copies of your children's documents for yourself and your chosen caregiver(s) and tell them where they can find the originals.

Other things you should do:

- Apply for a passport for your children if they do not have one.
- Get original birth certificates for your children to facilitate school enrollment, passport issuance and other needs.
- If you have US citizen children, call your consulate and ask about the process for registering your children. If you are deported, your embassy may be able to help you reunite with your children, but many governments can only help if you have registered your US citizen children's birth. Registration is also important to ensure that your children can attend school and get medical care and other services in your country. *Registering your children with your home country will not affect their US citizenship in any way.*

Decide if you need an attorney and/or a power of attorney

There are many kinds of attorneys that specialize in different things. Be careful of notarios who are NOT attorneys and may take your money without helping. There are organizations that can help you for low or no cost. Ask around in your area, church, community center, etc. You can also find a list of legal services for immigrants here: <https://www.informedimmigrant.com/resources/>

You may need an attorney to help you with your immigration case and a different attorney for family law matters. It is a good idea to get names of attorneys and start a relationship before you are detained – even if you are not ready to sign papers for power of attorney or other matters. **Be sure to tell any attorneys involved with your case who you want to care for your children and where you want them to live if you are deported.**

Decide if you need 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 your chosen caregiver that gives them your permission to make these decisions. An attorney or legal services organization can help you draft a power of attorney. A power of attorney will not impact your custody of your children and you can end the agreement at any time. You can also consider giving someone formal guardianship of your children in court. But this is not a decision to make lightly. You must go back into court to end a guardianship agreement and get your children back.

You probably do not need a child care power of attorney unless you are detained or deported. But you can prepare documents to have ready. You can also give someone your power of attorney from detention or after you have been deported.

- Talk to a family lawyer, immigration lawyer, or immigrant services organization in your state to make sure you use the right power of attorney form and are only giving your chosen caregiver the authority you want him or her to have.
- Only appoint a trusted adult. It is best if this person has legal status.
- 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.

If your child is placed into the child welfare system (foster care), a judge will make decisions about their care and custody. Your chosen caregiver will not have this authority even if they have your power of attorney.

For more information about powers of attorney and guardianship agreements see *Detained or Deported: What About My Children?* Available here: <https://www.womensrefugeecommission.org/rights/gbv/resources/1409-resources-for-families-facing-deportation-separation>

MORE RESOURCES

Women's Refugee Commission Resources for Separated Families

<https://www.womensrefugeecommission.org/rights/gbv/resources/1409-resources-for-families-facing-deportation-separation>

ICE Parental Interests Directive

https://www.ice.gov/doclib/detention-reform/pdf/parental_interest_directive_signed.pdf

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.