

From the Center for Law and Social Policy, May 18, 2018 (see

Keeping Immigrant Families Safe in Early Childhood Programs

Many people are aware that immigration agents aren't supposed to arrest and apprehend people at places like schools, hospitals, and churches. It's less widely known that early childhood programs are also protected.

Immigrations and Customs Enforcement (ICE) and **Customs and Border Patrol (CBP)** have internal guidance called “sensitive locations policies,” which restrict immigration enforcement actions in locations like schools, school bus stops, health care facilities, places of worship, sites of religious or civil ceremonies, and public demonstrations. Early childhood programs—including known and licensed child care, Head Start, preschool, pre-K, and other early learning programs—fall under the definition of “schools.”

What the sensitive locations policies mean

In general, ICE and CBP agents are expected to avoid enforcement actions—including apprehensions, arrests, interviews, searches, and surveillance—at sensitive locations without prior approval. This means ICE or CBP agents should have a warrant or other prior approval in order to carry out apprehensions, arrests, interviews, searches, and surveillance at or “focused on” early childhood programs. If agents don't have a warrant or prior approval, programs should turn them away.

These policies acknowledge that everyone should be able to participate in certain activities (like going to school, celebrating a marriage, or attending a church service) and receive critical services (like health care) without fear or hesitation.

Why this matters for early childhood programs

Early childhood programs play an important role in families' lives. Across the country, child care, pre-K, and Head Start provide millions of young children a safe space to play, learn, and grow while their parents work or go to school. These programs are also important connectors to other resources, such as nutrition, health, and parenting services. For families facing adversity, early childhood programs provide stability when everything else is uncertain.

But in the current immigration policy climate, millions of families are questioning whether it's safe for their children to attend or enroll in child care and early education. In CLASP's **field research** with immigrant parents as well as **child care and early education**

providers, we learned that many parents are keeping their children home to avoid contact with immigration agents. Equally concerning were the number of providers who described enforcement actions occurring at or near child care and early education programs.

Many early childhood providers weren't aware of the sensitive locations policies or didn't know their programs were included. Few providers had internal policies for dealing with ICE or CBP agents who try to enter their facilities. They also didn't know if they were legally obligated to admit immigration agents without a warrant. Consequently, many providers couldn't assure immigrant families that the center was a safe place. They also didn't know to report violations.

Young children and their families can't reap the benefits of high-quality child care and early education programs if they are too afraid to attend or enroll. Early childhood advocates, philanthropists, and policymakers should share information with child care and early education programs to ensure they're aware of the sensitive locations policies and encourage programs to adopt policies and procedures that ensure families' safety.

What early childhood programs should do to keep immigrant families safe

- Adopt policies safeguarding child care and early education locations and share these policies with staff and parents. Program directors should inform staff that the program is protected and encourage them to turn away immigration officials who don't have a warrant. Programs should also have procedures in place in case of potential enforcement actions and ensure these policies are communicated with parents.

CLASP created a fact sheet on sensitive locations for early childhood providers and families. We encourage you to post it in child care and early education centers and distribute it to parents. The fact sheet is available in **English** and **Spanish**.

- Report potential violations of the sensitive locations policies. Potential violations should be reported to ICE or CBP.^[1] Whether people are arrested in child care centers or across the street, in churches or around the block, in hospitals or nearby, the end result is the same: communities are terrified and families are deterred from accessing services. Documenting potential violations is critical for advocates and legislators who wish to hold immigration agents accountable to their policies.

CLASP is also collecting information about potential violations, particularly those at or near early childhood programs. Contact **Rebecca Ullrich** if you have questions or wish to share information about potential violations.

Sensitive locations policies allow immigrants and their families—including U.S. citizen children—to go to school, obtain medical care, and celebrate or mourn loved ones without fear or hesitation. No parent should have to choose between bringing their baby to child care and keeping their family together in the country they call home. It's critical that early childhood providers and advocates understand the sensitive locations policies and hold ICE and CBP accountable.

[1] Violations of the sensitive locations policy can be reported to ICE Enforcement and Removal Operations (ERO) through the Detention Reporting and Information Line at (888) 351-4024; through the ERO information email address at ERO.INFO@ice.dhs.gov; or online at <https://www.ice.gov/webform/ero-contact-form>.

Update from Philadelphia Immigration Lawyers, June 20, 2018

Does that mean ICE or CBP can never enter sensitive locations? No. While ICE typically will not carry out enforcement actions in sensitive locations, it may do so if officials have obtained prior approval or if there is immediate need due to exigent circumstances. Exigent circumstance include instances of a national security threat, pursuit of a dangerous felon, imminent risk of harm, or risk of destruction of evidence in a criminal case. The sensitive locations policy does not apply to certain enforcement operations conducted within 100 miles of the border, such as activities undertaken when there is a reasonable certainty that the immigrant just crossed the border or when DHS has maintained surveillance since the immigrant crossed the border. In addition, the sensitive locations policy does not apply to certain ICE activities, such as obtaining records, serving subpoenas, or participating in official functions or community meetings.