

South Carolina School Boards Association School Law Conference 2017

Impact of Immigration Enforcement Actions

Presented by:

Dr. Helen Grant, Chief Diversity and Multicultural Inclusion Officer,
Richland School District Two

Kathryn Mahoney, Esquire
Halligan Mahoney & Williams, P.A.

What does immigration enforcement have to do with schools?

It's about students, parents,
businesses and your entire
community.



**It's about people ...people with
hopes, dreams and fears**

<https://www.youtube.com/watch?v=p5KMamaJPdc>

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**By the
numbers**



Profile of the South Carolina Unauthorized Population

Total population

98,000

Age

- Under 16 8,000
- 16 to 24 15,000
- 25 to 34 34,000
- 35 to 44 24,000
- 45 to 54 10,000
- 55 and up 7,000

Source: Migration Policy Institute (MPI) analysis of U.S. Census Bureau data from the 2014 American Community Survey (ACS), 2010-2014 ACS pooled, and the 2008 Survey of Income and Program Participation (SIPP) by James Bachmeier of Temple University and Jennifer Van Hook of The Pennsylvania State University, Population Research Institute.



Profile of the South Carolina Unauthorized Population

Total population 98,000
School Enrollment of Children and Youth

Population ages 3 to 17 9,000
▪ Enrolled 8,000 or 90%

Source: Migration Policy Institute (MPI) analysis of U.S. Census Bureau data from the 2014 American Community Survey (ACS), 2010-2014 ACS pooled, and the 2008 Survey of Income and Program Participation (SIPP) by James Bachmeier of Temple University and Jennifer Van Hook of The Pennsylvania State University, Population Research Institute.



Profile of the South Carolina Unauthorized Population

Unauthorized immigrants pay taxes.

- Unauthorized immigrants in South Carolina paid **\$33.4 million** in state and local taxes in [2010](#), including \$25.4 million in sales taxes, \$3.8 million in state income taxes, and \$4.3 million in property taxes, according to data from the Institute for Taxation and Economic Policy.
- Were unauthorized immigrants in South Carolina to have legal status, they would pay **\$40.7 million** in state and local taxes, including \$26.9 million in sales taxes, \$9.5 million in state income taxes, and \$4.3 million in property taxes.
- If all unauthorized immigrants were removed from South Carolina, **the state would lose \$1.8 billion in economic activity, \$782.9 million in gross state product, and approximately 12,059 jobs**, even accounting for adequate market adjustment time, according to a report by the [Perryman Group](#).

<https://www.americanimmigrationcouncil.org/research/new-americans-south-carolina>

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**Who are we
really talking
about?**



We are talking about

Maria, an elementary student who told her teacher she was afraid to take the test because, if she failed, she was going to get deported.



Amelia, the high school student who, for the first time, finds out at the end of her senior year that even if she sits for the cosmetology exam and passes the test, she can't get licensed in South Carolina.



We are talking about

The mom of an elementary student and a middle school student who was stopped for a traffic violation, taken into Immigration Enforcement custody because she did not have a driver's license, and has now received notice of deportation.

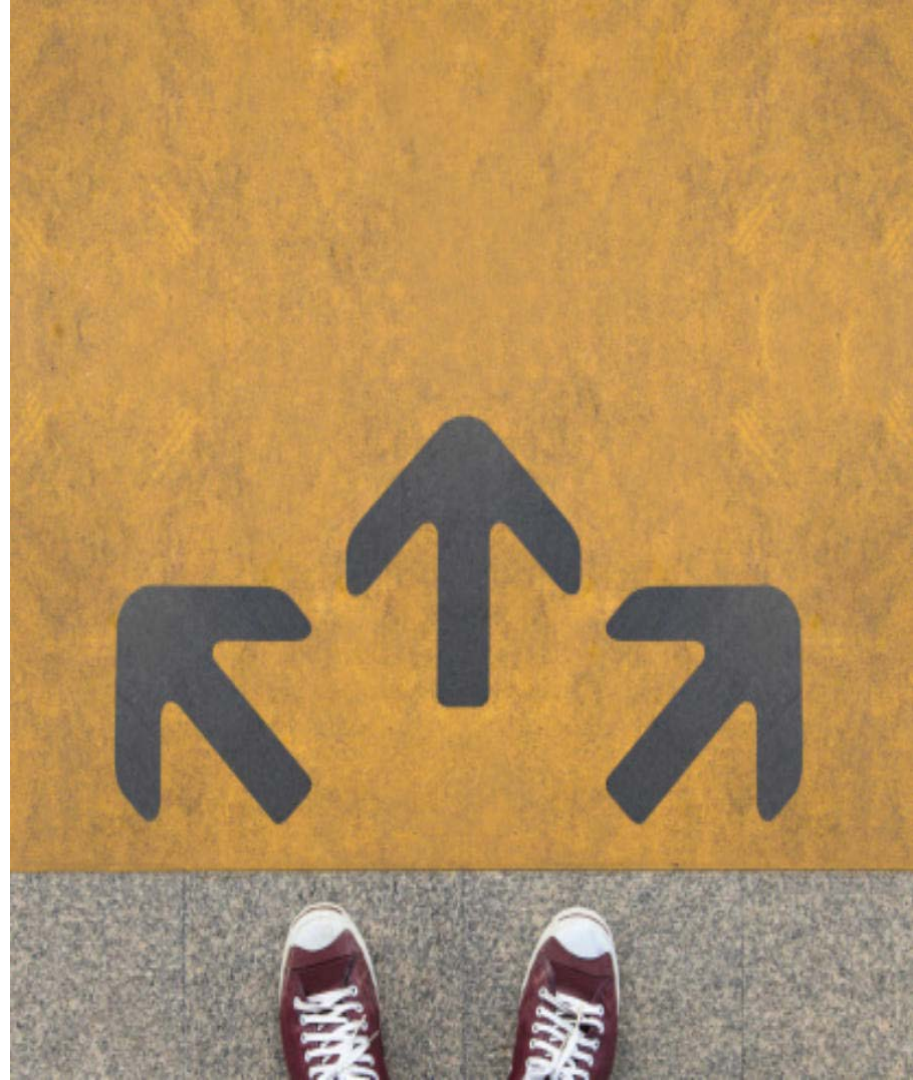
The children of this mom who have to face life in the United States without their mother.





We are talking about

Students across our state and country who were brought here as very young children who do not find out that they are undocumented until time for them to make decisions about what they will do after graduation from high school.





We are talking about

The hundreds of families who have one or more members who are not documented and who live in fear of what will happen to them.



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The Law

United States Supreme Court Decision

Plyler vs. Doe, 457 U.S. 202 (1982)



The Court held that under the Equal Protection Clause, undocumented school age children were entitled to the same free public education that was made available to other residents of the same school district, regardless of their immigration status.

Plyler

Based on the Plyler decision, schools should not act in a manner that would discourage enrollment of students based on immigration status:

- Schools should not inquire about a student's immigration status.
- Records relating to immigration status should not be requested, such as social security numbers.

Family Educational Rights and Privacy Act (FERPA)

20 U.S.C. § 1232g

- FERPA generally prohibits the release of student education records without prior parental consent unless an exception is met.

- Designated “directory information” may be released without parental consent provided a parent has not objected to the release of the “directory information.” 34 C.F.R § 99.31(a)

Family Educational Rights and Privacy Act (FERPA)

Directory Information

Districts should review their policies to see what their student records policies say with respect to what is defined as directory information and under what conditions it may be released.



Parents may refuse to have their child's directory information released.

Family Educational Rights and Privacy Act (FERPA)



Subpoena for Student Records

When a school receives a subpoena for a student's education records, FERPA requires that the school make a reasonable effort to notify the parent or eligible student "in advance of compliance" of issuing the records. 34 C.F.R. § 99.31(a)(9)(ii)

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What can you
do?



Reassure your students
that school is a safe space



According to Immigration and Customs Enforcement, school grounds are considered sensitive locations and they avoid the investigation or apprehension of persons on school grounds unless absolutely necessary.

- **This does not necessarily include school bus stops.**



Reassure your students that school is a safe space

- Reinforce a sense of positive school community
 - Model and teach desired behaviors
 - Reassure children that they are and will be okay
 - Help children manage strong emotions
 - Reinforce acceptance and appreciation for diversity
 - Stop any type of harassment or bullying
- Help children see other perspectives and value respectful dialogue
 - Discuss the importance of respecting the democratic process
 - Encourage children to channel their views and feelings into positive action



Guidance for Reinforcing Safe, Supportive and Positive School Environments for All Students
National Association of School Psychologists,
www.nasponline.org



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- **This does not necessarily include school bus stops.**



ICE



Make sure that emergency contact information is up to date



*Emergency
Contact
Information*

If a parent is unavailable, the school will contact the persons on the emergency contact list and may release the child to those persons upon presentation of identification.

If no one is available, local law enforcement will be called for contact with the county Department of Social Services.



Provide your parents with information about where to go to get assistance

You or your employees do not have to provide the direct assistance but it is very helpful if you have a list of places/organizations that can provide help and guidance.



(Please see the Resources at the end of the presentation.)



Have a



- **Prepare a plan for what you will do if a student is detained and/or recommended for deportation and for what you will do if a parent is detained and/or recommended for deportation.**

- **Make sure your administrators know what to do if ICE comes to the school seeking information or requesting to interview a student.**

Be sure to clear your plans with your attorneys!



Train your staff

- **Make sure your staff members understand that although they want to help, they must be careful to follow district policies regarding unaccompanied children.**



- **Although schools do not have to notify ICE of undocumented students, employees must not assist parents in staying in the country illegally.**



Know and understand your local law enforcement agency's role in immigration enforcement

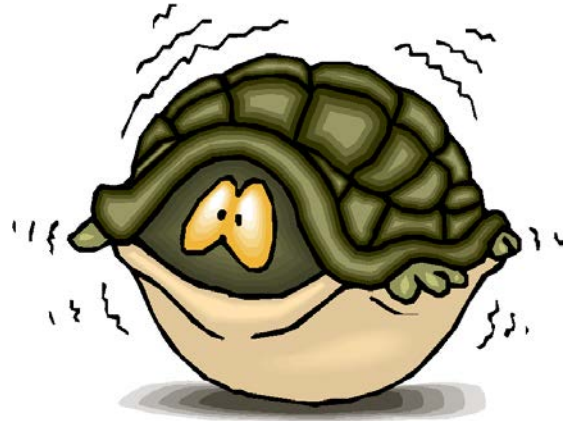


Local and county law enforcement do not all follow the same procedures.

- **Understand how your school resource officers will respond to undocumented students**

Know and recognize the signs of fear and anxiety in students

They may result in academic
and social challenges



Make referrals where appropriate



- A trusted teacher
- School psychologist
- Religious leader
- Community organization

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What can you
say?



What can you say to students?

**I'M HERE
FOR YOU.**

**You have
a right to
be here in
school.**



What can you say to parents?



Any questions?

You can find me at hgrant@richland2.org
Richland School District Two - The District of Choice
Where Every School Is An Excellent Choice



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Resources



Resources

Supporting Students from Immigrant Families

http://www.tolerance.org/features/immigration_support_for_students

Immigrant and Refugee Children: A Guide for Educators and School Support Staff

http://www.aft.org/sites/default/files/im_uac-educators-guide_2016.pdf

Managing Strong Emotional Reactions to Traumatic Events: Tips for Families and Teachers

http://www.bostonpublicschools.org/cms/lib07/MA01906464/Centricity/Domain/2141/MASP520Managing_Strong_Emotional_Reactions_2016.pdf

American Federation of Teachers

<http://www.aft.org/our-community/immigration>

Let's Talk! Discussing Race, Racism and Other Difficult Topics with Students

http://www.bostonpublicschools.org/cms/lib07/MA01906464/Centricity/Domain/2141/Responding_to_Strong_Emotions.pdf

What can Schools do to Help?

https://www.ilrc.org/sites/default/files/resources.schools_post-election-v4.pdf



Resources

Ten Myths About Immigration

<http://www.tolerance.org/immigration-myths>

Profile of the Unauthorized population: South Carolina
<http://www.migrationpolicy.org/print/data/unauthorized-immigrant-population/state/SC#.WVORVoTyuM8>

Know Your Rights! What to do when encountering the police (for youth)
www.ACLU.org
843-720-1423

South Carolina Appleseed Legal Justice Center,
Tammy Beshere, Esq.
tammy@scjustice.org
803-779-1113, ext. 103

Immigrant Rights: What Immigrant Families Can Do Now
https://www.ilrc.org/sites/default/files/resources/kyr_two_pager_v2.pdf

Help for Immigrant Families: Guidance for Schools
https://www.ilrc.org/sites/default/files/resources/school_resource_v3.pdf

Immigrant Legal Resource Center
<https://www.ilrc.org>



Family Preparation

Important Documents You Need

Keep a file of all these documents and the Power of Attorney(s) (if you have one) in a safe place, preferably a fireproof box. Tell your children, family members and POA agent where to find this file in an emergency. If they are locked up, make sure that family members and the POA agent have a spare key to box. You may also want to make copies of these documents and give them to a family member.

Passports for you and your children.

- Work with the foreign Consulate here in the US to obtain foreign passports. See information about Consulates in this packet.
- For US passports, both parents must approve of minor children under the age of 16 receiving their passports. Exceptions exist if there is a death certificate for a parent, a court order stating the other parent's permission is not required or if only one parent is listed on the birth certificate. If a parent is in detention or has been deported, then that parent will have to fill out form DS-3053e in front of a notary. This form says s/he gives permission for the other parent to obtain the passport. If the other parent cannot be located, then one can fill out form DS-5525.

Birth Certificates for you and your children.

- Work with the foreign Consulate here in the US to obtain foreign birth certificates.
- You can obtain SC birth certificates from the Department of Health and Environmental Control (DHEC). If there are issues with the birth certificate, you will have to work with the Department of Health and Environmental Control (DHEC) to fix the errors. Sometimes DHEC will make changes at the offices. Other times, especially if there is conflicting information about paternity or marital status, DHEC will require families to go to Family Court to fix the problem. South Carolina Legal Services can work on these cases, if getting the birth certificate fixed will help the child obtain their passport or dual citizenship.

Registry of birth for US born children registered in a foreign country.

- Work with the foreign Consulate here in the US to obtain double nationality.

Identification Card for parents.

- Work with the foreign Consulate here in the US to obtain identification, for example a matricula consular card for those who are from Mexico.

Social Security Card for US born children.

If you do not already have these from when your child was born, you will have to work with the Social Security Office to obtain these. You can call one of these numbers for more information and to ask questions. 1-866-964-7594 or 1-800-772-1213.

ITIN Numbers.

- If you do not already have one you can get one from the IRS by going to their website.
<https://www.irs.gov/individuals/individual-taxpayer-identification-number-itin> You can call this number to ask questions about ITINs. 1-800-829-1040.

Important Children's Information

- See the worksheets at the end of the packet.

Power of Attorney documents.

- Work with an attorney to draft one.

Documents that may help you defend your case if you are placed in deportation. The immigration documents (if any) may be able to help a loved one find you in the detention system.

- A-Number, work permit, green card, visa, etc.
- Documents demonstrating your residence in the US and amount of time you have been physically present in the US. Many of the documents you are gathering listed on this sheet will provide proof.

Any other documents you want to be able to quickly find.

- Custody orders
- Mortgages/leases
- Vehicle titles
- Insurance papers
- Bank accounts
- Checking accounts
- Loan documents

Information to Share with Family and POA Agent(s)

- Tell your children that a reliable adult, preferably the POA agent, might pick them up at school if you are arrested or deported. Make sure this adult is listed as the emergency contact at the school so that s/he will be allowed to pick up the children. Ask this person to get valid current identification, so that the school will allow them to take the children.
- Talk to your children about the POAs (if you have one- if not then go to an attorney for one) and who will care for them if something happens to you and your partner.
- Make sure the children have the phone number of an adult to call if they come home and no adult is there. If there is not a phone in the home, make sure the children know where to go for help.
- Develop a long- term plan for your children and property. For example, do you want your children to come live with you in another country? Do you want the agent to sell your house? Talk to your agent about the long-term plan and your wishes.
- Talk to your family and children about the long-term plan.

Where to Get Help with Identification

Consulates

The Consulates can help you obtain birth certificates, passports, identification cards and dual citizenship. They can also talk about steps for returning to your home country and things you may need to know.

Consulado General de México

431 Raleigh View Road

Raleigh NC, 27610

(919) 615-3653

Mexitel – 1-877-639-4835

Consulado General de Guatemala

2750 Buford Highway NE

Atlanta, GA 30324

(404) 320-8804

(404) 320-8805

Consulado General de Honduras

6755 Peachtree Industrial Blvd, Ste. 120

Atlanta, GA 30360

(770) 645-8881

Consulado General de El Salvador

6735 Peachtree Industrial Blvd, Ste. 120

Atlanta, GA 30360

(770) 591-4140

Legal groups that can give limited help

SC Immigrant Victim Network

This program helps immigrant crime victims obtain legal status.
Call (803) 750-1200, extension 6454 or 6456 to schedule an intake interview.
Telephone intake **interviews** are on **Tuesdays**.

SC Legal Services

They will help US born children who need their birth certificates fixed. Make sure to tell the intake person that the birth certificate needs fixed so that the child can obtain dual citizenship, a passport or identification. Your US born child will be the client.
To see if you qualify for services call 1-888-346-5592.

Lighthouse Immigration Legal Services

They help immigrant victims of crime. Sometimes they will handle deportation cases if the immigrant is a crime victim.
Call (843) 641-0462 to speak to someone about your situation.

Southern Poverty Law Center Southeast Immigrant Freedom Initiative

They help some immigrants detained at the Stewart Detention Center.

A family member can call (229) 838-6500 and find out how to get an attorney for the person in detention.

