

The logo for the Education Law Center features the words "EDUCATION" and "LAW CENTER" stacked vertically. "EDUCATION" is in yellow text on a blue rectangular background, and "LAW CENTER" is in white text on a blue rectangular background. The blue rectangles are centered and overlap a yellow rectangular background.

**EDUCATION
LAW CENTER**

**IMMIGRANT FAMILIES'
RIGHTS AND SAFETY CONSIDERATIONS
FOR EARLY INTERVENTION PROVIDERS**

**EIPA
APRIL 15, 2026**

AGENDA

1. About ELC
2. Context: Immigrant families in PA and Recent Executive Orders
3. Nondiscrimination Requirements
4. Legal Standards for Immigration Enforcement
 - ❖ Public & Non-Public Space, warrants
 - ❖ Record protections
 - ❖ Safe engagement & documenting
5. Local Law Enforcement 287(g)
6. Recommended Scenario Planning
7. Resources for Families

EDUCATION LAW CENTER-PA (ELC-PA)

We are a nonprofit offering free legal services. Our mission is to ensure access to a quality public education for all children in Pennsylvania. We have offices in Philadelphia and Pittsburgh.

We pursue this mission by focusing on the most underserved students: children living in poverty, children of color, children with disabilities, children in the foster care and juvenile justice systems, children experiencing homelessness, Multilingual learners and immigrant students, LGBTQ+ and gender diverse students - and many who are at the intersection of these identities.



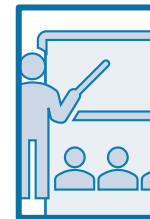
Statewide Helpline
215-238-6970,
intake@elc-pa.org



Individual
Representation &
Impact Litigation



Policy Advocacy



Know Your Rights
trainings and
resources



1 in 14 Pennsylvania residents is an immigrant.

Estimated 19% of the immigrant population in PA is undocumented.

Philly Metro Area: 288,400 children with at least 1 immigrant parent (85% of these children are citizens)

Immigration Related Executive Actions since January 20, 2025

- Attempting to end Birthright Citizenship
- Ending the Refugee Admissions Program
- Ordering the expansion of "expedited removal" (deporting a person without a court hearing)
- Requiring all noncitizens to register and present fingerprints to the U.S. government, and declaring that all who do not do so will be subject to criminal penalties
- Ending humanitarian parole programs for Cuban, Haitian, Nicaraguan, and Venezuelan nationals
- Threatening funding cuts to any state or local government that attempts to disentangle itself from collaboration with ICE
- June 2025 Travel Ban restricting or prohibiting entry for individuals from 19 countries, mostly in MENA region; potential for adding another 36 (primarily African) countries to list
- New visa restrictions, expanded biometrics and surveillance
- EO Designating English as the official language of US
- Changes at agency level: expansion of mandatory detention, courthouse arrests, arrests at ICE check-ins, etc.
- **2/18/26 Policy Change: ICE can detain legal refugees who have not yet obtained a green card.**

WHAT IS AN EXECUTIVE ORDER?

EOs are directives from the President that explain how the administration plans to interpret and enforce the law.

Executive orders cannot override statutes or case law interpreting those laws.

Agencies are bound by executive orders in how they enforce existing laws, like Title VI. Courts are not bound.

Any action the President directs the federal government to take must be based on an existing statute or a constitutional power of the President.

AN EXECUTIVE ORDER IS NOT LAW.

An executive order that directs the executive/agency to act beyond what is allowed by statutes and executive powers is unconstitutional.

NONDISCRIMINATION PROTECTIONS

Title VI

- "No person in the United States shall, on the ground of race, color, or **national origin**, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Pennsylvania Human Relations Act

- Prohibits discrimination in child care and early learning centers based on race, color, sex, religion, disability, ancestry, and **national origin**.

IDEA

- IDEA requires appropriate EI services be made available to all eligible children. Under Parts B and C of the IDEA, **"all"** means all eligible infants, toddlers, and children with disabilities in the State and includes those who are English learners, immigrants (regardless of their immigration status), homeless, and in foster care, as well as those who reside on Indian reservations.

****Lawsuits:** Judge blocked restrictions on Head Start that would have shut out some immigrant families

4TH AMENDMENT FRAMEWORK

RESCINDED: SENSITIVE LOCATIONS / PROTECTED AREAS POLICY

Previously

Since 2011, the Department of Homeland Security (DHS) had maintained standing guidance requiring Immigration and Customs Enforcement (ICE) to refrain from immigration enforcement actions in certain areas

JANUARY 2025: policy rescinded

4th Amendment remains:
warrant required for areas where people have a “reasonable expectation of privacy”

PUBLIC & NONPUBLIC SPACES

PUBLIC

- ICE has the authority to approach and question people in public spaces without a warrant.
- People still have the right to remain silent and to contact an attorney.

➤ [ACLU-PA Know Your Rights with Police & Immigration Agents](#)

NONPUBLIC

- For immigration enforcement to search or enter a private area like home or child care center, the 4th Amendment requires a valid judicial warrant signed by a federal or state judge, unless [person with authority] gives consent to the search.

If ICE agents enter a public area or gain access to a private area through a warrant or consent—they can arrest people if they have a valid administrative warrant for that person or if they have probable cause to believe that the person is “removable” from the United States

CONSENT SEARCHES

Requirements:

- 1) Consent granted voluntarily;
- 2) Obtained from someone with real or apparent authority;
- 3) Scope of search can't exceed the consent granted.

Even if the above conditions are satisfied, permission to conduct a search does not grant law enforcement authority to do so if another person, with common authority over the property, is physically present and expressly refuses consent.

WARRANT DISTINCTIONS

While longstanding law requires schools to comply with valid *judicial* warrants and subpoenas, immigration agents often serve what are known as *administrative* warrants, which do not have the same legal force.

ADMINISTRATIVE WARRANT

- Commonly relied upon by ICE
- Signed by an immigration officer or immigration judge
- However, these warrants **do not**:
 - Authorize ICE agents to enter areas of school property that are not otherwise open to the public
 - To enter these places (absent of a judicial warrant), ICE would need the school's consent, **which school officials have no legal obligation to give**

JUDICIAL WARRANT

- To be valid:
 - Issued by a judicial court;
 - Signed by a state or federal judge or magistrate (**not** merely authorized by an immigration judge or agent within the Department of Homeland Security or ICE);
 - State the address of the premises to be searched (check for your school's exact address); and
 - Executed within the limited time period specified on the warrant

JUDICIAL WARRANTS v. IMMIGRATION WARRANTS

AO 93 (Rev. 12/99) Search and Seizure Warrant

UNITED STATES DISTRICT COURT
for the
Eastern District of California

In the Matter of the Search of _____)
(Briefly describe the property to be searched)
or identify the person by name and address))
_____) Case No. _____
Davis, California 95616)

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer **2:11-SW-0161 EFB**

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the EASTERN District of CALIFORNIA.
(Identify the person or describe the property to be searched and give its location):
SEE ATTACHMENT A, ATTACHED HERETO AND INCORPORATED BY REFERENCE

The person or property to be searched, described above, is believed to conceal *(Identify the person or describe the property to be seized):*
SEE ATTACHMENT B, ATTACHED HERETO AND INCORPORATED BY REFERENCE

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before 5-9-2011
(not to exceed 14 days)

in the daytime 6:00 a.m. to 10 p.m. at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge _____
(name)

I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized *(check the appropriate box)* for _____ days *(not to exceed 30)*.
 Until, the facts justifying, the later specific date of _____

Date and time issued: 4-25-2011
9:10:00 AM

City and state: SACRAMENTO, CALIFORNIA

Edmund F. Brennan
EDMUND F. BRENNAN, U.S. MAGISTRATE JUDGE
(Print name and title)

Is this the right address?

Is it still current?

Note: only the person, property, & areas specified may be searched

Is it actually signed by a judge?

IF THE ANSWER TO ALL OF THESE IS YES, THEN IT IS LIKELY A VALID JUDICIAL WARRANT

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement
WARRANT OF REMOVAL/DEPORTATION

File No: _____
Date: _____

To any immigration officer of the United States Department of Homeland Security:

_____ (Full name of alien)
who entered the United States at _____ on _____ (Place of entry) (Date of entry)

is subject to removal/deportation from the United States based upon a final order by:

an immigration judge in exclusion, deportation, or removal proceedings
 a designated official
 the Board of Immigration Appeals
 a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

_____ (Signature of immigration officer)
_____ (Title of immigration officer)

THESE ARE VISUAL CUES THAT THIS IS AN IMMIGRATION WARRANT

IF A JUDICIAL WARRANT IS VALID

To be valid:

- Issued by a judicial court;
- Signed by a state or federal judge or magistrate (not merely authorized by an immigration judge or agent within the Department of Homeland Security or ICE);
- State the address of the premises to be searched (check for your school's exact address); and
- Executed within the limited time period specified on the warrant

1

School staff must comply

2

School should contact parent of child identified

3

Provide support for students & school climate

ASSIGN A WITNESS, DOCUMENT INTERACTIONS

The First Amendment protects your right to record and document law enforcement and federal agents performing their duties in public.

- Designate person as legal observer to film interaction.
- Start recording and narrate. State orally the date, time location being videotaped
- Keep safe distance 6-10 feet of distance. Do not physically obstruct agents
- Upload documentation immediately. Ensure video is backing up to cloud in case of device confiscation
- Make copies or photos to send to counsel immediately
- Make copy of all credentials and documents

>> [ACLU: Recording & Documenting Police & Federal Agents](#)

>> [Q&A Recording ICE](#)

RECORDS PROTECTIONS

FERPA, HIPAA & IDEA PROTECTIONS

General Rule:

- Agencies are prohibited from releasing personal information in student's education records or health records without written consent of parent/guardian or eligible/adult student
- Student health record included as education record
- IDEA Part B & C more restrictive /protective than FERPA

Exceptions:

- May disclose to LEO only IF they have a **valid court order or subpoena**
 - Attorney review for valid judicial order
 - Right to challenge - Inform parent/guardian or eligible student before release of info
- **Health or safety emergency**
 - Extremely limited: actual imminent, specific to particular school

UNDERSTAND THE LOCAL POLICE POSITION

DHS & ICE invite local and state police agencies to a 287(g) agreement to cooperate & assist with immigration enforcement

- **!! BE AWARE** if local police have 287(g) agreement before engaging

RECOMMENDATIONS: PRACTICAL STEPS FOR EI PROVIDERS



Key Sources:

[Gov. Shapiro Guidance to Social Services Relating to Immigration Enforcement Actions](#)

[CLASP Guide to Creating Safe Space Policies for Early Childhood Programs](#)

[Fugees Family, Standing Strong Resources](#)

[ELC-PA Resource Page: Immigrant Students' Rights](#)

PUBLIC COMMITMENT THAT FAMILIES CAN TRUST

Create & publish Welcoming /Safe Space policy & protocol (CLASP)

- ✓ Staff will not ask immigration status
- ✓ Staff will not share information or access unless compelled by judicial warrant
- ✓ Create a protocol with counsel governing any contact from immigration agents:
 - ✓ Access denied until credentials are verified and authorization from counsel
 - ✓ Administrator contacted
 - ✓ Counsel contacted
- ✓ Provide clear comprehensive information to families in languages needed
- ✓ Provide resources for impacted families

Train all educators and staff on specifics of policy and protocol, implementation in their building and programs.

SCENARIO PLANNING : FOUNDATION

Acknowledge Safety Concerns

- Shift required after rescission of Sensitive Locations policy & current practices
- Recognize immigration enforcement activity as safety issue that activates existing safety protocols.
- Talk with families, share resources

Safety / Sanctuary Team

- Designated for leading response to safety concern
- Schools already have Safety Team with principal, security officer. Who in the agency will take the call if ICE is engaged with client/area
- Evaluate Public/Private Spaces, post signs

Interaction with Law Enforcement

- Does your locality have 287(g) Agreement?
 - Data shared with police?
- Clarify agency's priority role to support children and families, not cooperate with ICE
- Alternative supports: Community Response Groups

ICE CONTACT AT CENTER

PREPARE

- ❑ Clear, specific protocols; staff trained on roles
 - ❑ Staff phone numbers to call
- ❑ Identify boundaries & post signs for private center property
- ❑ Prep short communications for quick alert to families: *Hold alert, On lockdown, Do not approach school. Students are safe inside and will not be released.*
- ❑ Need updated Emergency Contact forms for all students (with multiple people & contact info)

RESPOND

- Refuse entry, keep agent outside the building; all interaction through intercom or glass door
- Call Safety Team, who will alert community response.
- Call counsel to verify documents or requests
- Soft Lockdown (no one allowed inside or outside building; normal schedule followed; families contacted)
- Alert to families: *Do not approach.* Station staff outside to keep families from being trapped.
- If student is specified in warrant, do not share any information. Contact family & ask for documented authorized person to come. Advise them to call a lawyer.

AT CENTER: FRONT DOOR /SECRETARY

- Report to Safety Team immediately (admin contacts counsel, activates witness role & alerts community response).
- **Do not open door. Speak through intercom or window/door**
 - If door is opened, restrict agent to lobby. Do not allow students near lobby. Do not bring agent to office.
- Clear the area - send all students that were in the office/lobby area to classrooms or secure space.
- **Script:** “I do not have authority to open this door, I do not consent to a search. I have contacted administrator & lawyer. We are a school in lockdown. If you have judicial warrant, please slide under door or hold to the glass.”
- Pass documents through a slot or take photos through window
- Verify any documents with counsel.

ICE CONTACT AT CLIENT'S HOME

PREPARE

- ❑ Clear, specific protocols; staff trained on roles
 - ❑ Phone numbers to call saved in phone
- ❑ Talk with all clients about agency's protocol to help protect their rights
- ❑ Identify yourself with agency insignia, advance text of arrival, your photo to new clients
- ❑ Share rights information with clients
- ❑ Create quick-access folder for references

RESPOND

- Refuse entry, keep agent outside the home; all interaction through intercom or glass door
- Only occupant has legal authority to allow entry.
- Call Safety Team
- Alert community response group
- Call counsel to verify documents or requests
- Do not open the door where agents are stationed (even a person leaving could be seen as allowing agent entry)

ASSIGN A WITNESS, DOCUMENT INTERACTIONS

The First Amendment protects your right to record and document law enforcement and federal agents performing their duties in public.

- Designate person as legal observer to film interaction.
- Start recording and narrate. State orally the date, time location being videotaped
- Keep safe distance 6-10 feet of distance. Do not physically obstruct agents
- Upload documentation immediately. Ensure video is backing up to cloud in case of device confiscation
- Make copies or photos to send to counsel immediately
- Make copy of all credentials and documents

>> [ACLU: Recording & Documenting Police & Federal Agents](#)

>> [Q&A Recording ICE](#)

ICE ACTIVITY AROUND /NEAR CENTER

PREPARE

- ❑ Clear, specific protocols; staff trained on roles
- ❑ Identify boundaries & post signs for private center property
- ❑ Coordinate with community supports
- ❑ Prep short communications for quick alert to families
- ❑ Identify student transit support needs
 - ❑ More adult monitors at key points of families' transit paths to/from school
 - ❑ Safe Passage Teams: Walking School Bus; Monitors/Cross Guard at corners or bus stops

RESPOND

- Report of ICE activity to administrator; Community Rapid Response seeks to verify
- Whistle protocol, if helpful
- Consider Soft Lockdown (no one allowed inside or outside building; normal schedule followed; families contacted)
- Dismissal: if stable, students can leave by [front doors], or can stay inside if needed. Security will monitor doors to ensure no entrance

ARRIVAL & DISMISSAL - IF ICE IS PRESENT, NEARBY

Consider individual flow of each school's procedures: what transit forms are used; where do crowds form; where are staff needed.

ARRIVAL

- Bring all students inside immediately, secure the doors.
- Identified staff person go to school boundary & sidewalks to inform families & direct students inside or away.
 - Report to community rapid response for additional adult monitors.
- Report ICE activity through district protocol: administrator, counsel.
- Secure students in their classrooms or designated safe area with supervision. Calm students.
- Communication to families
- Alternatives: staggered arrival times, tardies excused

DISMISSAL

- Pause dismissal immediately using internal code.
- Keep students inside if not yet released. Bring students in immediate school vicinity back inside.
- Secure lockdown. Keep students inside until threat dispersed, as needed.
- Communication to families: Hold alert, Lockdown, Updates when stable.
- Staff & community rapid response monitor outside.
- Release students to authorized individuals only.
- Alternatives: staggered dismissal times

ICE ACTIVITY AROUND /NEAR CLIENT'S HOME

PREPARE

- ❑ Clear, specific protocols; staff trained on roles
 - ❑ Phone numbers to call saved in phone
- ❑ Talk with all clients about agency's protocol to help protect their rights
- ❑ Identify yourself with agency insignia, advance text of arrival, your photo to new clients
- ❑ Share rights information with clients
- ❑ Create quick-access folder for references

RESPOND

- Assess whether safe to walk by or reverse course
- From safe distance, contact family to report potential activity & whether you are still arriving
- Do not draw attention to or share information about clients
- Alert community response group
- Call safety lead

COMMON QUESTIONS

Open sports fields, parking lots - signage about when the area is closed to the public may help; prep protocol in advance

After school programs - non-public area; identify who has authority to refuse access; similar protocols; comms with school administrator, security & community rapid response

Field trip - sidewalks, public transit, stores, museum, parks and other public accommodation sites are public

Posted Signs:

“Private - School Property”

“School Grounds - Authorized Personnel Only During School & Program Hours”

“No Unauthorized Access While Students Are Present”

[School Property Considerations \(Fugees Family\)](#)

CAREGIVER DETAINED [**FOR SCHOOLS**]

PREPARE

- ❑ Goal: ensuring student is in the custody of trusted person authorized by parent, and avoiding DHHS /Child Protective Services /Children & Youth involvement.
 - ❑ Schools must contact CYS if they are unable to identify a parent-authorized adult.
- ❑ **Schools MUST require all families to update Emergency Contact forms, ideally with 4-5 authorized adults that can come to the school to pick up a student.**
 - ❑ List multiple contact details (cell, work phone, WhatsApp, email, address)
 - ❑ List trusted agency that family works with (after-care, community services)
 - ❑ "In the event of a local emergency, transit delay, or family crisis, who is authorized to pick up your child if you are unavailable?"
 - ❑ Provide forms in all languages needed. Use trusted school staff to talk with all families about updates needed.
- ❑ Caregiver Authorization
 - ❑ PA family law does not have a “temporary guardian” option enforceable in court. A specific “delegation of custody” form is not required. (see [PA custody guidance from Philadelphia Legal Assistance; en Español](#))
 - ❑ Can use [1302 NonParent Enrollment Affidavit \(en Español\)](#).
- ❑ Engage with community orgs & train staff for trauma informed, culturally competent responses (see [ImmSchools](#))

CAREGIVER DETAINED [**FOR SCHOOLS**]

RESPOND

If caregiver does not come to pick up child, or school receives notice that a caregiver was detained:

- Move student to quiet, private, supportive space with trusted staff member.
- School tries to contact one of the authorized persons on the Emergency Contact list
- If an authorized person is contacted, school needs to inform them to bring an ID. School must be flexible about ID provided, or other verification options.
- To try to verify a parent is detained in order to receive instruction for child's release, engage with local immigrant support groups, and use [ICE Online Detainee Locator System](#) or [ICE Parental Interests Hotline 1-888-351-4024](#)
- Do not call DHHS/CYS until all options are exhausted. Do not report any information about immigration status to DHSS/CYS. *"The parent has not arrived for pick-up and we have been unable to reach the emergency contacts. We are requesting assistance in locating a relative."*
- Coordinate supportive services for student whose caregiver was detained, and the broader school community

STUDENT IS DETAINED [*FOR SCHOOLS*]

PREPARE

- ❑ Do not ask about immigration status
- ❑ Coordinate with local orgs to provide KYR sessions for all students
- ❑ Share with students that school and community groups want to protect access to school for everyone. Share info about transit supports or virtual options if needed.

RESPOND

- Provide supportive services to classmates & schoolwide
- Try to confirm detention
 - 18+, [ICE inmate locator](#)
 - Minor, [Office Refugee Resettlement](#)
- Detained students should remain enrolled & mark as excused “Other Urgent Reasons”
- If student is *confirmed* to no longer be in US, may be disenrolled

COMMUNICATING WITH FAMILIES & PROVIDING RESOURCES

PROVIDER COMMUNICATIONS WITH FAMILIES

Providers must directly counter the pervasive fear in this climate by communicating clearly, proactively, and with genuine care. Silence is not neutral: it allows misinformation and fear to fill in the gap.
(Fugees Family)

- Consider specific provider practices & family needs.
- Don't make assumptions on status, share info agency-wide
- All languages needed
- Multiple formats: text message, email, Class Dojo, WhatsApp, call, video message
 - Info is best received from known, trusted staff member
- Explain protocol in advance, before any incidents require urgent response or cause panic
- Prompt, clear messages when incidents are verified (see [scripts from Fugees Family](#))
- Emergency Contacts updated

Providers should be resource hub for all families, including immigrants

CLASP Guide to
Creating Safe Space
Policies for Early
Childhood Programs

Family
preparedness,
temporary custodian
considerations

Know your rights with
ICE in 34 languages
(HIAS PA)
Red Cards

Seek legal advice
from reputable
immigration attorney
(non-profits; contact
for attorney list)

PIC (PA immigration
coalition) Rapid
Response Groups

PIC member groups
by county

COORDINATE WITH COMMUNITY SUPPORTS

COORDINATE WITH COMMUNITY SUPPORTS

Community members care deeply about all students' right to access our public schools & can provide additional supports outside the school building, in coordination.

- **Community-led rapid response groups**
 - Verify incidents of ICE enforcement activity
 - Connect reports across community with district administrators
 - Provide KYR trainings
- **School-based parent & community response groups: Sanctuary Team**
 - Signal chat with administrator to provide surge response if incidents around/at school
 - Volunteers (parents or community members) need background clearances to work with students
 - Whistles, if helpful
 - Transit supports: Walking bus, sidewalk monitors, car-pool from activities
 - Mutual aid

[Pennsylvania Immigration Coalition \(advocacy groups by county\)](#)

[Chicago : Organizing Sanctuary Defense Teams](#)

[Minneapolis Families for Public Schools: Guide to Starting a Sanctuary School](#)

IS SERVING UNDOCUMENTED CLIENTS A VIOLATION OF THE FEDERAL CRIME “HARBORING”?

It is NOT illegal to:

- Engage in regular social and business transactions with people who are undocumented.
- Know a person’s immigration status and maintain regular interactions with them

>> [ACLU Know Your Rights: Transporting & Harboring](#)

>> [National Immigration Project: Understanding the Smuggling /Harboring Federal Crime](#)

>> [Legal Aid Society: What to Know About the Federal Harboring Statute](#)

Interactions with undocumented people are only illegal under the harboring and transporting laws if your interactions with that undocumented person are done with the intent to conceal or hide their identity or immigration status, or in the case of transporting, knowing that your transport will help them to enter or remain in the country unlawfully.

QUESTIONS?

EDUCATION LAW CENTER PA

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