

FAMILY PREPARATION GUIDE

Protect Your Family In Case of an ICE Raid or Arrest



It is important that you take action **NOW to protect yourself, your family, and your rights as a parent, in case you are arrested and detained by immigration officials. Here are some things to do to be sure your rights are protected and to keep your children safe.**



Organize all your important documents and keep them together in a safe place that other family members know about.

DOCUMENTATION TO INCLUDE

- Passports for all family members if you have them.
- Birth certificates for all children
- Marriage certificate.
- Medical records for all immediate family members, including vaccination records, phone numbers for doctors and pediatricians, and list of medications and dosage.
- Copies of proof of immigration status or receipts of any immigration applications filed by immediate family members including children.
- Proof of your physical presence in the United States such as leases or mortgage information, utility bills, car insurance, etc.
- School records for all children.
- Guardianship, powers of attorney, designation of person in parental relationship, completed, signed and notarized.
- Have an emergency contact list with names and phone numbers of close friends and family who should be contacted, and who may be able to help, if you are picked up by ICE. Also, include numbers for doctors, lawyers, and your kids' schools.

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CHOOSE A CARETAKER

- Decide who you would want to care for your children if you are not able to do so. This person should be someone you trust and who your children feel comfortable with. You should feel that your children will be safe with everyone who lives in this person's home. Be sure to talk to your chosen caretaker to discuss plans and be sure they agree to the commitment to potentially care for your children in an emergency situation.
- Be sure that the caretaker has the resources to financially support your child or children if needed or make a plan for other friends and family to be ready to help provide for their financial needs.
- Talk to the caretaker about any special medical or educational needs your children have. Let them know where to find your emergency documents and give them a copy of everything in your emergency folder, and things they might need like medication prescriptions, copy of children's birth certificates, guardianship and power of attorney paperwork, etc.
- Give the caretaker an emergency contact list.
- Add the caretaker to the emergency contact list and pick up list at your kids' schools.

LEGALLY DESIGNATE A CAREGIVER OR GUARDIAN

In New York there are several options to designate legally who you want to care for your children if you are detained. Two of the most common are (1) **Designation of Person in Parental Relationship** and (2) **Standby Guardianship**. Here are benefits and drawbacks to each option.

DESIGNATION OF PERSON IN PARENTAL RELATIONSHIP

What it does: Gives authority to someone to speak to a school, health care provider, or health care plan on behalf of a parent with regard to their child.

Benefits:

- Simple process: Do not have to get an order of the court.
- Can say that it only goes into effect when a certain thing (like being detained by ICE or CBP) happens.
- Easily revocable.
- Generally, only one parent needs to sign the form.

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DESIGNATION OF PERSON IN PARENTAL RELATIONSHIP (CONTINUED)

Drawbacks:

- Is temporary -- only lasts 12 months, then would need to be completed again.
- Only gives authority for schools and healthcare – more limited than guardianship
- Not all schools or healthcare providers are familiar with the form.
- Designated person will not be able to get public assistance to help with the costs of the child(ren).
- Designated person cannot make major medical decisions for the child (but doctor can in an emergency).
- Cannot be used to authorize travel.

Form for Designation of Person in Parental Relationship can be downloaded at:
<https://www.nysnavigator.org/wp-content/uploads/Designation-of-Person-in-Parental-Relationship-12-Months-OCFS-4940-1-1-2-2.pdf>

STANDBY GUARDIANSHIP

What it does: Gives complete authority to designated person to make decisions for the child should the parent or current person with legal custody is unable to care for the child. Parent can do by designation (filling out a form) or petitioning the court.

Benefits:

- Can say that it only goes into effect when a certain thing “administrative separation” (e.g. being detained by ICE or CBP) happens.
- Plans can be made in advance rather than at the moment of emergency.
- If child’s other (noncustodial) parent is unfit or uninvolved, the present parent can petition the court to set up a standby guardianship ahead of time if they fear the noncustodial parent will fight it.
- Once Permanent Guardianship is in place, Guardian can make all major decision, including medical and travel, for the child.
- Designated person might be able to obtain public assistance for the child (food stamps, cash assistance, etc.) to lessen the financial burden.

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STANDBY GUARDIANSHIP (CONTINUED)

Drawbacks:

- More complicated for the Guardian. Whether done by Designation form or Petition, the standby guardianship automatically goes into effect when an “administrative separation” takes place. But Standby Guardian MUST go to court and file a petition for permanent guardianship within 60 days and provide proof of the administrative separation. Only a court can appoint a permanent guardian. Requires many court appearances.
- NYS Courts are supposed to be safe for immigrants, but there is always a risk that ICE will be at the Court, so courts can be risky for immigrants without immigration status.
- Requires a background check on every adult in the Guardian’s home (which requires fingerprinting) to make sure no one has a history of child abuse. Will require a home inspection of the Guardian’s home as well.
- Must go back to Court and get judge’s approval to revoke.

Forms and more information about Standby Guardian can be found at:

<https://www.nycourts.gov/courthelp/guardianship/standbyguardian.shtml>

WHAT TO DO IF YOU ARE STOPPED BY ICE OR POLICE

- If your kids are with you ask the officer to let you make a phone call immediately to contact the caretaker to come pick up your children, so they are safe and taken care of and not placed with child protective services.
- Do not sign any paperwork agreeing to deportation. Ask to speak to a lawyer. Most detention centers have legal services attorneys who work with immigrants in detention. Your family can try to find a lawyer through **<https://www.aialawyer.com/>** or by calling The New York State Office for New Americans (ONA) hotline is **1-800-566-7636**.
- The government will not provide a lawyer to you, it will be up to you and your family to hire or contact an attorney to represent you.
- You will be assigned an A# by the immigration authorities. It is important that you know this number and give it to your family so that they can track your court dates and location. They can put your A# into the ICE online detainee locator if they are not sure where you are detained using this website: **<https://locator.ice.gov/odls/#/search>**. You can find our information about upcoming immigration court hearings through this link: **<https://acis.eoir.justice.gov/en/>** or by calling **1-800-898-7180**.



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PREPARE FOR AN IMMIGRATION BOND

Immigration bond is an amount of money determined by the U.S. government that if paid will allow a person to be released from detention as their immigration court case is pending.

- Not everyone is eligible for an immigration bond, but you should ask your deportation officer and the immigration judge whether you could get a bond. You should explain that you have minor children that you care for when asking about the bond. Whether or not a person is given a bond depends on many factors, including any criminal history, length of time in the United States, potential eligibility for immigration relief, family and community ties, and good moral character.
- Immigration bonds often run from \$10,000 – \$20,000 in many situations. It is a good idea to try to save money ahead of time, in case you need an immigration bond in the future. Sometimes families also use a bail bonds company to cover the bond amount up front.
- Identify someone you trust ahead of time, who has immigration status, who could coordinate posting bond and get documents to ICE or the Immigration Court to show your strong ties to the United States and good moral character. Plan ahead now and be sure that point person has a copy of documents to support a bond request such as:

- ***Proof that you have been in the United States for a long time.***
- ***Letters from friends, employers, churches, community members, showing that you are an upstanding member of the community.***
- ***Copies of proof of immigration status, receipts for immigration applications, evidence of any pending benefits or immigration applications.***
- ***Proof of any immediate family members' immigration status.***
- ***Proof of compliance with ICE check ins (if applicable).***
- ***Tax returns and paystubs for five years with ITIN number and valid social security number.***
- ***Contact information for your immigration attorney or preferred immigration attorney.***

It is important to have an immigration attorney review documentation that will be submitted to immigration court or your deportation officer, if possible. Do not pay unauthorized legal providers and notaries to handle these complex legal services on your behalf as that often causes many more problems in a case.