



Advocates for Children of New York

Protecting every child's right to learn

Testimony to be delivered to the New York City Council Committee on Immigration

Re: The Impact of New Immigration Enforcement Tactics on Students and Families in New York City Public Schools March 15, 2017

Good afternoon. My name is Rita Rodriguez-Engberg and I am a staff attorney in the Immigrant Students' Rights Project at Advocates for Children of New York. For over 45 years, Advocates for Children has worked to promote access to the best education New York can provide for all students, including students from low-income backgrounds, students who are learning English, students with disabilities, and students of color. The Immigrant Students' Rights Project advocates for better educational opportunities for immigrant families in New York City public schools.

In the course of our work with immigrant families, we are seeing how the new immigration enforcement tactics can interfere with their children's education. Parents worry about Immigration and Customs Enforcement (ICE) agents coming to schools and about what will happen if they stand up for their children's needs. In one case, a parent who has been ordered removed called us for advice on whether she should seek special education services for her disabled son because of her immigration status.

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As you may know, the NYC Department of Education (DOE) and the Mayor's Office of Immigrant Affairs issued a letter to families on January 30, 2017 outlining very generally the city's plans for addressing federal immigration authorities' requests for access to school buildings and student records. The letter was an important first step; now it is essential to flesh out these policies in greater detail, so that schools know what to do and families feel protected.

The DOE has indicated that they are working on follow-up guidance that will outline the process for evaluating ICE requests to access school buildings. In order to address the concerns of immigrant families, we recommend that any follow-up guidance include the following protocols, in line with policies adopted by a number of school districts across the country:

- Advance notice should be required before ICE can set foot on school grounds in order to ensure that the NYC DOE can maintain a safe environment for all students and minimize learning disruptions.
- Should ICE show up at a school unannounced, they should be required to wait away from school grounds. This is critical, as school security varies across buildings and is often complicated by the fact that multiple schools may share one building. It is not uncommon for adult visitors to be left unsupervised in hallways, and ICE agents must not be allowed to roam the hallways of school building unattended.
- ICE requests must be handled by superintendents, not principals, in conjunction with counsel. Entrusting this responsibility to superintendents will help keep agents off of school grounds, promote greater consistency across the system, and reduce the impact of any potential biases at the school level.
- In reviewing ICE requests, access should only be granted if ICE has a judicial warrant.



Although the DOE does not ask families to disclose their immigration status, when students enroll in New York City public schools, families must provide proof of identity, age and residency. In our experience, oftentimes families rely on immigration documents for proof of identity, age or residence, and copies of these documents then become part of the student's file. In order to avoid the collection and storage of sensitive immigration information in a student's file, we urge the DOE to instruct Family Welcome Center and school staff to refrain from photocopying immigration-related documents at the time of enrollment and registration.

Finally, as we begin to hear reports of parents across the country being deported, the DOE needs to quickly take steps to address the very likely situation of parents being picked up by ICE during the school day. At a minimum, the DOE must ensure that families are given an opportunity to update their emergency contact information, which is recorded on the "blue card." We also suggest that the DOE expand the number of emergency contacts that may be listed on the blue card, in the event that multiple family members are detained. Finally, the DOE must come up with a protocol to address situations where parents are detained and no one on the blue card can be reached to pick up a student from school.

Thank you for the opportunity to testify today. I would be happy to answer any questions you may have.