

Office of Early Childhood

Field Immigration Guidance

In response to recent concerns about changes to federal immigration policy and enforcement by Immigration and Customs Enforcement (ICE) agents, the Connecticut Office of Early Childhood (OEC) provides the following guidance in a FAQ format.

FREQUENTLY ASKED QUESTIONS¹

- Q1: If an Immigration and Customs Enforcement (ICE) agent comes to my home, do I have to open the door?
- A1: No, you do not need to open the door. To enter your home, an ICE agent must have a warrant issued by a court and signed by a judge, unless you invite them in. You do NOT have to invite an ICE agent into your home. You can ask the ICE agent to pass the warrant under the door or perhaps display through a window (if available). **Please see pictures of sample warrants and other legal orders on page 5 of this guidance.**
- Q2: What should I do if an ICE agent doesn't have a warrant, but tries to force his/her way into my home?
- A2: You can respond: "I do not consent to your entry." I want to speak to a lawyer, and I choose to remain silent, but do NOT physically resist. Your safety is most important; you should not physically (or otherwise) attempt to obstruct or interfere with an ICE agent. Obstructing or otherwise interfering with certain ICE activity can be a crime.

You may provide a response along the following lines:

I do not wish to speak with you, answer your questions, or sign or hand you any documents based on my 5th Amendment rights under the United States Constitution. I do not give you permission to enter my home based on my 4th Amendment rights under the United States Constitution unless you have a warrant to enter, signed by a judge or magistrate with my name on it that you slide under the door. I do not give you permission to search any of my belongings based on my 4th Amendment rights. ²

- Q3: Who do I contact if an ICE agent comes into my home or childcare center program and detains an adult or child?
- A3: If an ICE agent appears at your home or childcare center while you are providing care for children, you should notify parents (particularly if an ICE agent is present during drop-off or pick-up time). "ICE Detained Parents Directive" also provides some useful information.

¹ OEC attorneys are unable to provide legal advice to anyone other than OEC staff; accordingly, this guidance does not constitute legal advice. There is also a list of other helpful resources and links to additional resources included at the end of this guidance.

² This language is provided by the Immigrant Legal Resource Center, "Red Cards."

- Q4: Will any detained family member have the right to a hearing?
- A4: Yes, any person detained by an ICE agent will receive a hearing before an immigration judge.
- Q5: As a licensed childcare provider, will I lose my license if ICE detains me?
- A5: No, you will not lose your license solely because an ICE agent detains you. OEC does not collect any information regarding a provider's immigration status. Any license revocation proceeding is based on statutory or regulatory violations and includes a right to an administrative hearing before a hearing officer (not employed by OEC). However, an extended period of detainment may create an enforcement issue if OEC is unable to communicate with a licensed provider to conduct inspections or investigations.
- Q6: If detained by ICE, do I have a right to legal representation; if so, and if I can't afford one, do I have the right to an appointed lawyer?
- A6: Yes, if detained by an ICE agent, you have a right to consult with a lawyer, and should state your request to call one, but you do NOT have a right to a free, court-appointed lawyer. However, you do have the right to remain silent and not answer any questions, including questions about your birthplace and your immigration status, see response to Q1.
- Q7: Will I be "cited" for failing to notify OEC if I'm detained and not able to communicate with anyone?
- A7: See the response to Q5, above. For family providers, it is important to have an emergency caregiver available during customary business hours should you need to leave the family childcare home unexpectedly. You should also have parents' contact information readily accessible so the emergency caregiver can call parents to pick up their children immediately (if necessary).³
- Q8: Are childcare centers considered "sensitive" locations?
- A8: Yes, childcare centers and schools (including preschools), Head Start programs, places of worship, and hospitals are considered "sensitive" locations. However, the new administration has lifted the prohibition against ICE enforcement in "sensitive" locations and substituted a new directive that specifies a "common-sense" enforcement approach.
- Q9: Given legitimate concerns providers have about ICE agents, can OEC staff call upon their arrival during this time?

³ Excerpts of the applicable regulations, R.C.S.A. section 19a-87b-8(c), governing emergency caregivers provides in pertinent part: Each provider shall identify to the Office at least one emergency caregiver who shall be available and on call during customary business hours to provide childcare only for unscheduled, unforeseen emergencies. The emergency caregiver shall be a responsible person who is twenty years of age or older and known to the provider. The provider shall list at least one potential emergency caregiver with the Office [of Early Childhood] but may use others as necessary. The emergency caregiver shall be able to arrive at the family childcare home not more than fifteen minutes after being summoned by the provider and shall immediately notify parents of all children present of the emergency.

- A9: No, OEC licensing specialists are not able to call upon their arrival. However, when conducting licensing inspections or investigations, OEC staff will arrive in a state vehicle that displays a State of Connecticut license plate with the State emblem. OEC staff will also be carrying and displaying a state-issued identification, which displays the State of Connecticut emblem, the name of our agency, Office of Early Childhood, the staff member's name and his/her photograph. Staff are required to show official identification when conducting state business. In addition to these safeguards, Operators may also confirm the identity of the OEC staff and purpose of the visit with supervisors or management. Once confirmed, OEC must be given immediate access to the childcare facility. Failure to do so may subject the provider's licenses to suspension or revocation proceedings. Generally speaking, providers must also allow parents and alternate pick-up persons listed on the enrollment form immediate access to the facility and their children.
- Q10: Does OEC keep records of providers and family members that are undocumented?
- A10: No, OEC does NOT collect any information about a provider's or family member's immigration status.
- Q11: Does OEC's Background Check Information System (BCIS) keep records showing if providers or staff are undocumented?
- A11: No, neither OEC's BCIS nor any other OEC department collects or maintains information about a provider's immigration status.
- Q12: Will Early Start CT or any other OEC program begin collecting information about immigration status?
- A12: No, Early Start CT will not collect information about immigration status. The Care for Kids subsidy program does require children served to be U.S. citizens or legal aliens.
- Q13: Licensing Specialists have changed, if providers see a new person, they may not open the door out of fear. Can OEC blast an update on the change in inspectors? The names of the new specialists don't have to be provided, but perhaps at least identify the towns and cities that have changed Licensing Specialists.
- A13: Please see the response to Q 9 above.
- Q14: Are providers required to have a policy that addresses visits by ICE?
- A14: No, but OEC also recommends, as a best practice, that Operators develop a policy that addresses visits by an ICE agent to help protect the well-being of children, parents, and staff.

The OEC recognizes that providers, parents and children may experience additional stress during this time, OEC hopes this information is helpful.

This State of CT document has a “childcare plan” incorporated into the family plan, and available in 9 languages:

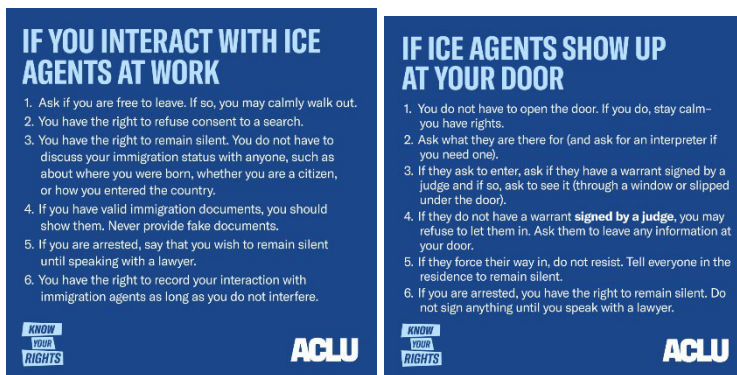
<https://portal.ct.gov/governor/-/media/office-of-the-governor/immigration-resources-family-preparedness-plan/family-preparedness-plan-english-version-july-2019.pdf?rev=b919c29164b8400ba5bad09ac868078e&hash=29FBF84E82D4FB1B5735C7441CCD2708>

Aforementioned link is found via the following page:

https://portal.ct.gov/governor/immigration-resources-family-preparedness-plan?language=en_US

Some helpful tips are also on the ACLU CT website, the below website has a wealth of helpful immigration-related information.

<https://www.acluct.org/en/know-your-rights/immigrants-rights>



Some additional resources and links:

- Immigration Advocates Network <https://www.immigrationadvocates.org>
- Connecticut Institute for Refugees and Immigrants (CIRI) <https://cirict.org>
- Immigration/Naturalization Legal Services <https://cirict.org/immigration-legal-services/>
- Immigrant Defense Project, Practice Advisory, Rights and Obligations of Noncitizens During ICE Car Stops https://www.immigrantdefenseproject.org/wp-content/uploads/2020.04.29-car-stops-advisory-formatted_final.pdf
- Also attached is guidance from a publication entitled “When Immigration Officials Arrive at Your Workplace: A Know Your Rights Toolkit for Public Sector [CA] Workers.” **The sample legal orders on page 5 of this guidance is taken from this publication.** <https://media.nwica.org/know-your-rights.pdf>
- The Center for Law and Social Policy (CLASP) also published a document entitled “A Guide to Creating Safe Space Policies For Early Childhood Programs” for the child care industry, please see attached link. [CLASP Publication](#)
- The CT State Department of Education also published guidance, see attached link, [SDE guidance](#)

From Department of Homeland Security

U.S. DEPARTMENT OF HOMELAND SECURITY Warrant for Arrest of Alien

File No. _____

Date: _____

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon:

- the execution of a charging document to initiate removal proceedings against the subject;
- the pendency of ongoing removal proceedings against the subject;
- the failure to establish admissibility subsequent to deferred inspection;
- biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

Signed by
Immigration

(Signature of Authorized Immigration Officer)

(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____ (Location) on _____ (Name of Alien) on _____ (Date of Service), and the contents of this notice were read to him or her in the _____ (Language) language.

Name and Signature of Officer _____ Name or Number of Interpreter (if applicable) _____

Form 5-200 (Rev. 09-14)

AO 93 (Rev. 01/09) Search and Seizure Warrant

UNITED STATES DISTRICT COURT
for the
Southern 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.

14 MJ 0396

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

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 _____ Southern District of _____ California
(Identify the person or describe the property to be searched and give its location).
See Attachment A-2.

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-2.

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 February 14, 2014 (not to exceed 10 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 Hon. David H. Bartick (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: 1/31/2014 10:54 AM

(Judge's signature)

City and state: San Diego, California

Hon. David H. Bartick, U.S. Magistrate Judge
(Printed name and title)

AO 88 (Rev. 11/04) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT
Northern District of California

Digital Millennium Copyright Act, section 512(b) subpoena to online service provider

SUBPOENA IN A CIVIL CASE

Case Number: _____
CV 06 - 80304 MISC. JW

To: Google, Inc., Google Video Support, DMCA Complaints
1600 Amphitheatre Parkway
Mountain View, CA 94043

YOU ARE COMMANDED to appear in the United States District Court at the place, date and time specified below to testify in the above case.

PLACE OF TESTIMONY: _____ COURTROOM _____

DATE AND TIME: _____

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION: _____ DATE AND TIME: _____

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list document or objects):

Documents sufficient to allow Landmark Education to identify the infringer "Antygalero" who posted videos labeled "Introduction" and "Inside the Landmark Forum" (1 through 4 of 4), as described in the letter of notification in Exh. A.

PLACE: Steeffel, Levitt & Weiss, PC DATE AND TIME: October 28, 2006
One Embarcadero Center, 10th Floor 10:00 AM
San Francisco, CA 94111-3719

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES: _____ DATE AND TIME: _____

Signed by a Federal Judge

Labeled Subpoena

ct.gov/oec