



Head Start Sponsoring Board Council

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Serving The Head Start Community Since 1981

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MEMBER AGENCY ALERT

February 7, 2025

RE: **Protocols for interactions with U.S. Immigration and Customs Enforcement (ICE)**

Dear [Member Organizations/Colleagues],

In a sanctuary city like New York City, agencies providing early childhood care and childcare must adhere to specific protocols, particularly when it comes to interactions with federal immigration enforcement agencies like U.S. Immigration and Customs Enforcement (ICE).

Sanctuary cities have policies in place to limit cooperation with federal immigration enforcement to protect undocumented immigrants and foster trust between local agencies and immigrant communities. Below are key ICE protocols and considerations for member agencies of the Head Start Sponsoring Board of New York City Council of New York. These protocols are subject to change and/or elaboration. We remain a nonpartisan and nonpolitical organization.

1. Non-Cooperation with ICE Enforcement Actions

- **Policy Compliance:** NYC's Executive Order 41 prohibit city agencies, including childcare providers, from cooperating with ICE unless required by law (e.g., a judicial warrant).
- **No Voluntary Information Sharing:** Childcare agencies should not voluntarily share information about children or families with ICE, including immigration status, addresses, or attendance records.
- **Judicial Warrants Required:** ICE requests for information or access to facilities typically require a judicial warrant signed by a judge. Administrative warrants (issued by ICE itself) are not sufficient.

2. Protecting Family Privacy

- **Confidentiality:** Childcare agencies must protect the privacy of children and families. Immigration status is considered confidential information and should not be disclosed without consent or a legal requirement.
- **Limited Data Collection:** Agencies should avoid collecting unnecessary information about immigration status unless required for program eligibility (e.g., federally funded programs).

3. ICE Access to Childcare Facilities

- **Restricted Access:** ICE agents are generally not allowed to enter childcare facilities without a judicial warrant. Agencies should train staff on how to respond if ICE agents arrive:
 - Ask for identification and a judicial warrant.
 - Verify the warrant with legal counsel or city authorities.
 - Do not allow entry or provide information without proper legal authorization.
- **Designated Point of Contact:** Agencies should have a designated staff member or legal advisor to handle interactions with ICE.

4. Support for Immigrant Families

- **Know Your Rights Training:** Provide resources and training for families about their rights when interacting with ICE, including the right to remain silent and the right to legal representation.
- **Community Partnerships:** Collaborate with immigrant advocacy organizations and legal service providers to support families facing immigration issues.
- **Safe Spaces:** Ensure childcare facilities are safe spaces where families feel secure, regardless of immigration status.

5. Compliance with Federal and State Laws

- **Federal Funding Requirements:** If the agency receives federal funding, it must comply with federal laws, but this does not override sanctuary city policies protecting immigrant families.
- **State and Local Laws:** NYC has strong protections for immigrants, and agencies must comply with local laws that limit cooperation with ICE.

6. Emergency Preparedness

- **Family Safety Plans:** Help families create emergency plans in case a parent or caregiver is detained by ICE, including designating a trusted guardian for the child.
- **Rapid Response Protocols:** Establish protocols for responding to ICE actions near or involving the childcare facility, including notifying families and providing support.

7. Staff Training and Policies

- **Training on Sanctuary Policies:** Ensure all staff understand local sanctuary city policies and how to handle ICE interactions.
- **Non-Discrimination Policies:** Prohibit discrimination based on immigration status and ensure all families feel welcome and safe.

8. Legal Resources and Advocacy

- **Legal Referrals:** Provide families with access to legal resources and referrals for immigration attorneys or advocacy organizations.
- **Advocacy for Families:** Advocate for policies that protect immigrant families and oppose actions that could separate families or disrupt childcare.

9. Communication with Families

- **Transparency:** Clearly communicate the agency's policies regarding ICE and reassure families that their information is protected.
- **Language Access:** Provide information in multiple languages to ensure all families understand their rights and the agency's policies.

10. Monitoring and Reporting

- **Track ICE Interactions:** Document any ICE interactions and report them to local authorities or oversight bodies as required by sanctuary city policies.
- **Stay Informed:** Keep up-to-date with changes in local, state, and federal immigration policies that may impact childcare services.

By following these protocols, we can be assured that we are protecting the rights and safety of immigrant families while complying with local laws and maintaining trust within the community.

Very truly yours,



Andre Lake

President, Head Start Sponsoring Board Council

