

Lesson 5: Role-Playing Parental Advocacy in Immigration Detention

FOR MORE INFORMATION TO HELP YOU ANSWER QUESTIONS THAT MAY COME UP DURING THIS LESSON, REFER TO THE FREQUENTLY ASKED QUESTIONS SHEET “LEGAL INFORMATION ABOUT PARENTAL RIGHTS” AT THE END OF THIS LESSON.

Time: 2 hours

Content Objectives

- Students listen to and practice engaging in conversations about parental rights during immigration detention.

Rights Objectives

- Students learn more about their parental rights while they are in immigration detention.

Language Objectives

- Students listen to and read vocabulary about parental rights and family law proceedings during immigration detention.
- Students practice asking questions and using interrogatives.

KEY VOCABULARY:

Nouns	Verbs	Interrogatives
Child Protective Services/Department of Children and Families	To know (something)	Who?
Dependency hearing	To ask	What?
Custody	To take care of	Where?
Interpreter	To separate (to be separated)	How much?
Evidence	To detain (to be detained)	When?
Record	To sign	Why?
Copy	To advocate	How?
Caretaker	To tell	
Welfare	To attend	

Case	To argue	
Prosecutorial discretion		

LESSON ACTIVITIES:

PART A) Reading Isabel's Story

The instructor should determine which of the following reading situations best suits students' literacy levels and needs:

- **A whole-class reading, guided by the instructor**
- **Semi-independent reading in groups or pairs, supported by a circulating instructor**
- **A split class, where some students are guided by the instructor and some work independently**

Make sure students have the time and support needed to answer the comprehension questions. The correct answers to the questions are:

- 1. Isabel is in a detention center in her city in the United States. Francisco is also in the U.S., in a placement arranged by the Department of Children and Family Services. (Correct answers for Francisco also include: with the Department of Children and Family Services or in the custody of the Department of Children and Family Services).**
- 2. Yes, Isabel has a right to attend Francisco's hearing, if she has custody of him. No, Isabel does not have a right to an interpreter, but an interpreter may be provided to her in some cases upon request.**
- 3. Isabel's friend Ana**
- 4. Ana is preparing evidence to show her commitment to Francisco's welfare, and she is hiring a lawyer.**

In pairs or small groups, read the story written below. Afterwards, write and share your answers to the questions that follow.

My name is Isabel, and I am from El Salvador. I am undocumented and my son, Francisco, who is 12, is a citizen. One day, ICE arrested me at our home and someone from the Department of Children and Families (DCF) came to pick up Francisco. At the detention center in my city, I asked about Francisco, and I was told that there would be a hearing to determine who would gain custody of him. I asked to attend, and to have an interpreter there to help me. My friend, Ana, who is documented and who agreed to be Francisco's caretaker if I was detained or deported, will also attend the hearing. Now, I am preparing evidence to show that I am committed to Francisco's welfare, and I am hiring a lawyer.

1. Where is Isabel? Where is Francisco?

2. Does Isabel have a right to attend Francisco's hearing? If she can attend, does she have a right to an interpreter?

3. In Isabel's emergency plan, who is going to take custody of Francisco while she is detained?

4. How is Isabel preparing for the hearing?

PART B) Considering Evidence for Isabel

The instructor should gather students into small groups and support them in the following activity. He/she may decide to review what each of the items is with the whole class before breaking into groups.

In small groups, review the records Isabel has in her emergency kit. Isabel keeps these items in a safe place and she has given her close friends and family members instructions on how to find these items in the event of an emergency.

Discuss how each item could help her or hinder her from making a case that she cares about Francisco's well-being and that Francisco should be placed with Isabel's friend Ana in the neighborhood where the family has been living.

1. Francisco's birth certificate
2. Francisco's and Isabel's passports
3. Francisco's medical records
4. Francisco's report cards
5. Personal emails or letters from Francisco's teacher
6. Isabel's caretaking agreement with Ana, signed and dated
7. Recent photo of Francisco with his soccer team
8. Recent photo of Francisco attending a church event

PART C) Practice Making a Case

When students have finished PART B, ask them to move on to the following activity. They should be encouraged to perform a part of their argument for the class.

With the same group, practice making a case that Francisco should be placed with Isabel. Afterward, write out a script for what you might say, in English or your native language. Each group needs to write only one script. If possible, find another group and perform your argument for them.

PART D) Reflections

In a small group, first, the instructor asks the students to reflect on the lessons and challenges of the above activities. Then the class as a whole reflects on how the students' families are respected or not in society, with particular attention to how families are affected by immigration status. Part of the discussion can take place in the students' native languages if necessary and possible.

Take a moment to reflect on the lesson, what you have learned, and the challenges you experienced with the activities, as well as what you enjoyed about them. Then, as a class, reflect on how your families are respected or not in society and how your families are affected by immigration status. Feel free to communicate in your native language, as necessary and possible.

END OF LESSON REFLECTIONS: The teacher asks students at the end of each lesson what they learned and how they felt doing these activities. The teacher may want to take notes based on what students share to help in preparing the lesson for the following week.

Guiding questions for instructors to pose to students include the following:

- What new ideas/content did you learn?
- What new vocabulary did you learn?
- What new rights did you learn?
- What was difficult? What was easy?
- How did you feel?
- What would you change?
- How would you use this information?
- How does this content connect to human rights?
- What situations can you think of when you may want to assert your rights?

FAQ: LEGAL INFORMATION ABOUT PARENTAL RIGHTS IN IMMIGRATION DETENTION

❖ What are my rights during family court proceedings brought by child welfare services?

In instances where a detained parent's participation in child welfare proceedings is necessary to maintain or regain custody of their children, ICE will attempt to arrange – upon the request of the detainee – for the parent's presence at those proceedings. However, the law does not give detained immigrant parents an absolute right to participate in child welfare proceedings in person. If you are being detained by ICE in a location far away (i.e. beyond driving distance) from the court where proceedings are being held, ICE may determine that it is 'impracticable' to transport you to and from the proceedings. It is important to be proactive in advocating for your parental rights and to push for every opportunity to be involved in proceedings in whatever manner possible. While participating in family court proceedings, you may have the right to an interpreter. If you cannot afford a lawyer, you should request that one be provided for you or that you be allowed to contact non-profit organizations that may be able to provide you with free legal representation even if the court will not provide you a lawyer.

Tips:

- Be sure to make a prompt request to ICE for the opportunity to participate in child welfare proceedings in person (or to have your lawyer do so).
- If ICE denies you the opportunity to participate in person, request that alternative arrangements – such as video/teleconferencing – be arranged.
- You may have the right to an interpreter during child welfare proceedings.
- Do not sign any documents related to child custody without the assistance of an interpreter and request to have a lawyer appointed to represent/counsel you.
- Collect and maintain as much evidence as possible evidencing your commitment to the welfare of your children.
- Keep evidence of your status as a parent.

❖ How can I provide evidence of my status as a parent and of my relationship with my children?

Keep copies of your children's: 1) birth certificates; 2) social security cards; 3) passports; 4) custody orders/agreements; 5) any documents evidencing a designation of a temporary guardian; and 6) any wills that name a guardian for your children, where such documents exist. Such documents will help provide evidence of your legal status as a parent.

Evidence of your relationship with your children and your commitment to their welfare can be established by keeping copies of school records, medical records, pictures, and letters and other correspondence between you and your children.

This information is meant to provide useful basic information about the law and is not legal advice. It is not a replacement for legal advice from a trained attorney. All information is current as of the date it was produced.

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FAQ: LEGAL INFORMATION ABOUT PARENTAL RIGHTS IN IMMIGRATION DETENTION

❖ Some tips on what to do if you have children and are detained

DO:

- Tell the police/immigration officials that you are a parent and ask to be considered for “prosecutorial discretion” and release.
- Contact your child’s caregiver immediately and tell them where you are being detained
- Remain in regular contact with your children and their caregiver.
- If you are informed that you are going to be deported, tell your deportation officer whether or not you want to have your children taken with you.
- If you are being deported and would like your children to be taken with you, contact the consulate in your home country and ask for their help in securing access for your children.
- In the event that your child is taken into the custody of the child welfare system or placed in foster care, get in contact with the agency taking custody of your child immediately and let them know that you are in immigration detention and let them know how to remain in contact with you, including your name, the address of the detention center where you are being held, your date of birth, your nationality, and your A#.
- Keep important documents and other evidence of your relationship with your children.
- Provide the police/immigration officials with evidence of your status as a parent and your commitment to the wellbeing of your children.
- Tell ICE that you want to be involved in your child custody case, if one arises.
- Comply with the requirements of your ICE ‘family reunification plan’, if one exists.

DON'T:

- Fail to inform child protective services that you are in immigration detention or fail to provide them with a means for contacting you.
- Lose track of your child’s whereabouts or fail to maintain contact with their caregiver.
- Sign any documents related to your immigration or child welfare case without consulting a lawyer and/or an interpreter.

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