

NEW JERSEY CONSORTIUM FOR IMMIGRANT CHILDREN

Briefing on Immigrant Rights Preparedness for Community-Based Private Preschool Providers

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Housekeeping

- We are providing general information, not legal advice.
- General overview only - cannot address every issue or nuance.
- Law is changing rapidly in this area.
- Get in the know + subscribe for NJCIC updates!

Who We Are: NJCIC

NJCIC is a **state-wide legal services** and **policy advocacy organization** dedicated to **empowering young immigrants**. We envision a just and equitable New Jersey where young immigrants can flourish and lead full, fearless lives.

- We provide holistic, youth-centered legal representation
- Work with children in all of NJ's 21 counties
- Operate the hotline for state-funded program to provide free immigration legal assistance to unaccompanied children & similarly situated youth.
- Beacon - educational-legal partnership with Jersey City Public Schools.
- Florecer - medical-legal partnership with Zufall Health
- Rapid Response Initiative -Provides legal representation and advice and counsel to children and youth at high risk of deportation, including youth in ICE detention and those separated from a caretaker by ICE enforcement.



Overview

Immigration Law Basics + Safety Planning

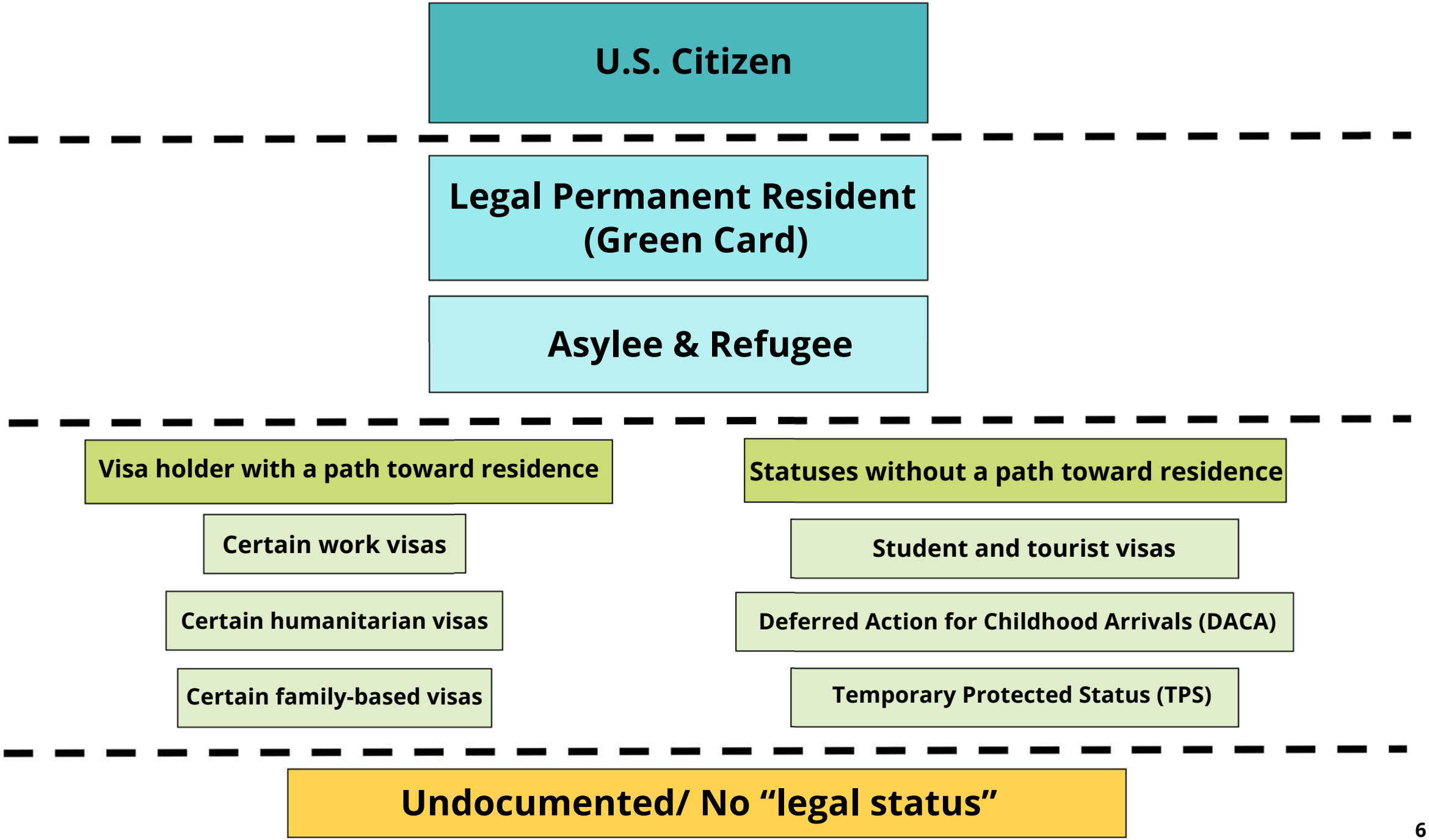
Your Rights in New Jersey

Your Rights When Witnessing ICE Enforcement

Rights & Resources After ICE Enforcement



Immigration law basics: What is immigration “status”?


U.S. Citizen
Legal Permanent Resident (Green Card)
Asylee & Refugee
Visa holder with a path toward residence
Certain work visas
Certain humanitarian visas
Certain family-based visas
Statuses without a path toward residence
Student and tourist visas
Deferred Action for Childhood Arrivals (DACA)
Temporary Protected Status (TPS)
Undocumented/ No “legal status”

How can someone stay in the U.S. “legally”?



If someone does not currently qualify for an immigration benefit, they may qualify in the future if their personal circumstances change, or if policy changes create new paths to legal residency and citizenship.

How does someone find a reliable lawyer?

Refer to local immigration non-profits (who we know & love!):





























Hire a private attorney:

- Make sure the lawyer is licensed
- Ask the lawyer "what state are you licensed to practice law in?"
- Use NJ Courts Attorney Search to confirm a lawyer is licensed
- In the U.S., a notary/ “notario” is NOT a lawyer!
- Tools to find a lawyer who is an expert in immigration law
- American Immigration Lawyer Association's Find An Attorney Tool: https://ailalawyer.com/
- What should a lawyer do?
- Provide client with a contract ("retainer agreement") in a language they can understand



Safety Planning

SAFETY PLANNING FOR FAMILIES

FOR PARENTS & CARETAKERS

1. Create a Power of Attorney.
2. Make sure your child has a passport.
3. Update emergency contacts with your child's preschool.
4. Memorize phone numbers.
5. Keep important documents in a safe place - make sure your loved ones know where to find these documents.

POWER OF ATTORNEY

FOR PARENTS & CARETAKERS

- A Power of Attorney is a document that allows a parent, custodian, or guardian to care for and make decisions about their child/children.
- The Power of Attorney is triggered when caregiver has become or may become unable to provide care to a child.
- The Power of Attorney does not need to signed by both parents. The form includes a section where one parent can explain why the other is not signing.
- Does NOT need to be completed by an attorney, but it does need to be witnessed by two people. It should also be notarized, if possible.
- Lasts for one year, but it can be renewed.

Power of Attorney

POWER OF ATTORNEY AND DELEGATION OF AUTHORITY BY PARENT CONCERNING MINOR CHILD (complete one for each child)

PODER LEGAL Y DELEGACIÓN DE LA AUTORIDAD POR LOS PADRES CON RESPECTO A EL NIÑO MENOR (complete uno por cada niño)

This Power of Attorney is made on this/ *Este Poder Legal se hace este* _____ day of/ *día de* _____, 20___.

BETWEEN/ *ENTRE:*_____
(mother, father, guardian, or custodian – circle all that apply),
(madre, padre, o tutor – marque todo lo que corresponda),

whose address is/ *cuya dirección es* _____
and whose phone number is/y cuyo número de teléfono es_____
_____

AND/ Y: _____
(alternative caregiver, referred to here as the "Attorney-in-Fact")
(cuidador alternativo, referido aquí como "Apoderado Legal")

whose address is/ *cuya dirección es* _____
and whose phone number is/ y cuyo número de teléfono es _____

INFORMATION SHEET (complete one for each child/ward)

HOJA DE INFORMACIÓN (complete una por cada niño/pupilo menor)

Date/ *Fecha*: _____

Parent's Name/ *Nombre de la Madre*:_____

Other Parent's Name/ *Nombre del Padre*: _____

Parent's Phone/ *Teléfono de la Madre*:_____

Other Parent's Phone/ *Teléfono del Padre*:_____

Emergency Contact #1/ *1er Contacto de Emergencia*:

Name/ *Nombre*:_____

Relationship to family/ *Relación con la Familia*: _____

Phone/ *Teléfono*:_____

Emergency Contact #2/ *2do Contacto de Emergencia*:

Name/ *Nombre*: _____

Relationship to family/ *Relación con la Familia*: _____

Phone/ *Teléfono*:_____

Child's school/ *Escuela del niño* _____

Child's favorite or primary teacher/ *El maestro favorito o primario del niño* _____

Family Doctor/ *Doctor de Familia*: _____

Phone/ *Teléfono*:_____

Health Insurance Co./ *Compañia de Seguro de Salud*:_____

Insurance Policy Name and #/ *Nombre de Póliza de Seguros y #*:_____

Known Medical Conditions of Child/ *Condiciones Médicas conocidas del Niño*:

_____

Any medications that child takes/ *Cualquier medicamento(s) que el niño toma*:

_____

Any allergies of child/ *Cualquier alergias del niño*:_____

Last tetanus immunization/ *Última inmunización contra el tétanos*:_____

A# of parent (if any)/ *Número A de la madre (si alguno)*_____

A# of other parent (if any)/ *Número A del padre (si alguno)*_____

A# of child (if any)/ *Número A del niño (si alguno)*

QR Code for POA Materials



Your Rights in New Jersey



New Jersey Immigrant Trust Act

Attorney General Directive issued in 2018 that limits **voluntary** assistance state, county, and local law enforcement can provide ICE.

- No participation in federal immigration raids.
- Unable to stop, question, arrest, search, or detain an individual based solely on actual or suspected immigration status.
- Unable to ask an individual's immigration status except in rare cases when it is relevant to a specific criminal investigation.
- The Immigrant Trust Act was codified into law in 2026.

Knowledge = Power: Location matters!

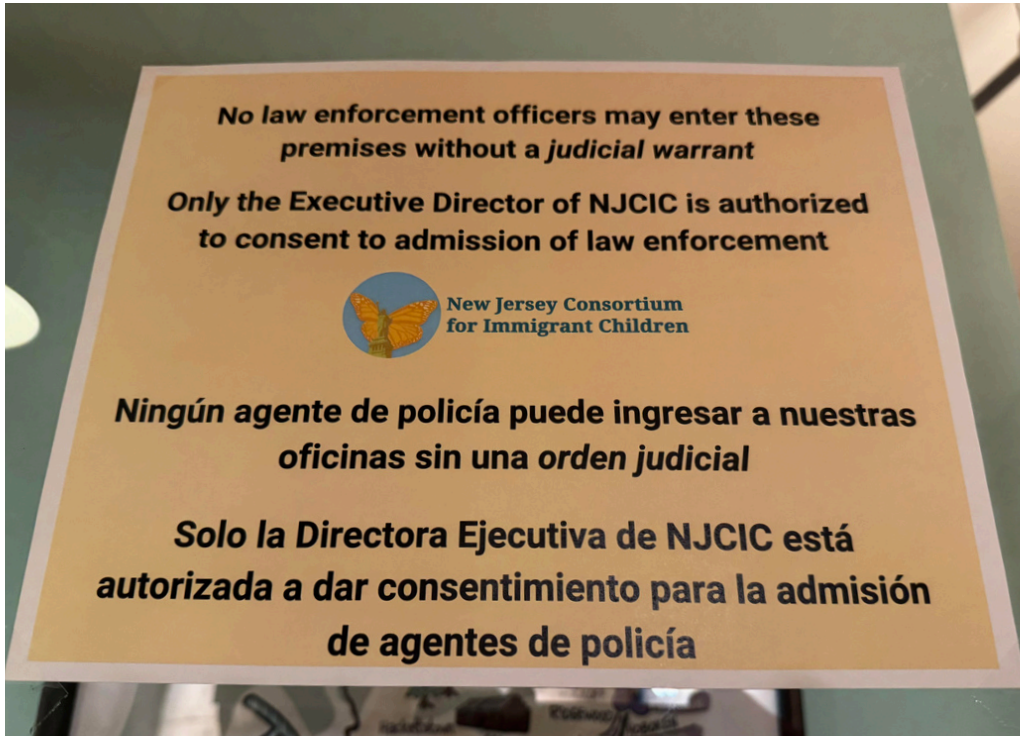


	Private	Public
Examples	Homes, Private daycares/preschools Parts of workplaces only accessible to employees Health clinic exam rooms beyond the waiting room.	Walking on the street Driving or riding in a car Parts of workplaces open to the public
General Rules	ICE needs a **warrant** from a judge or **consent** to enter or search	ICE only needs **reasonable suspicion** to make an arrest

★ These 4th Amendment rights apply to everyone regardless of immigration status.

Private Places

- ICE needs a **judicial warrant** or **consent** to enter private areas
- Employers and school staff do not have to help ICE to identify or sort workers or students.
- Many private places post signs restricting entry (we do!)



Judicial vs. Administrative Warrant - what's the difference?

Judicial warrant

- Issued by a judge
- If ICE has a judicial arrest or search warrant, state or local law enforcement generally must comply
- It authorizes actions like entering non-public areas, searching, or arresting a specific person.

Administrative warrant

- Issued by a federal immigration officer
- These do not require state or local police to assist.
- They do not authorize entry into private or non-public spaces without consent.

AO 93 (Rev. 11/13) Search and Seizure Warrant

A judicial warrant issued by a court; Una orden judicial es emitida por una corte

UNITED STATES DISTRICT COURT

for the

District of New Jersey

In the Matter of the Search of
(Briefly describe the property to be searched or identify the person by name and address)

123 Broad Street, Newark, NJ, Apt. 4

Case No. 17-1234

A judicial warrant includes the address being searched; Una orden judicial incluye la dirección de la búsqueda

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 _____ District of New Jersey
(identify the person or describe the property to be searched and give its location):

123 Broad Street, Newark, NJ: Apt. 4 and all common hallways and lobby of building

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal *(identify the person or describe the property to be seized)*:

John Doe, A-123-456-789, a deportable alien with convictions for crimes involving moral turpitude; Goods stolen from XYZ Retail at 123 Commerce Street, Newark, NJ, on April 1, 2017, in a robbery allegedly involving John Doe.

A judicial warrant includes the time when the search must take place; Una orden judicial incluye el tiempo cuando la búsqueda debe de ocurir

YOU ARE COMMANDED to execute this warrant on or before April 24, 2017 *(not to exceed 14 days)*

☑ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night because good 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 Jane Smith, U.S.M.J.
(United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 3103a(b), 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: 04/10/2017 10:00 am

Jane Smith
Judge's signature

City and state: Newark, NJ

Jane Smith, United States Magistrate Judge
Printed name and title

A judicial warrant must be signed by a judge; Una orden judicial debe de

SAMPLE

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

An administrative warrant is issued by DHS or ICE, not a court; Una orden administrativa de ICE es emitida por DHS o ICE, no una corte

WARRANT OF REMOVAL/DEPORTATION

File No: _____

Date: _____

To any immigration officer of the United States Department of Homeland Security:

_____
(Full name of alien)

who entered the United States at _____ on _____
(Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

- ☐ an immigration judge in exclusion, deportation, or removal proceedings
- ☐ a designated official
- ☐ the Board of Immigration Appeals
- ☐ a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

An ICE administrative warrant is signed by an immigration officer or an immigration judge; Una orden administrativa de ICE es firmada por un official de inmigración o juez de inmigración

_____
(Signature of immigration officer)

_____
(Title of immigration officer)

_____
(Date and office location)

As of Jan 22, 2026, there have been reports in the news of an internal ICE memo that authorizes ICE officers to use force to enter a residence based solely on a more narrow administrative warrant to arrest someone with a final order of removal. This memo violates constitutional protections and upends years of advice given to immigrant communities.

ICE is at the Door - Rules & Rights

ICE agents often do not identify themselves as ICE
They may dress and speak like local police
They often carry guns

All conversations can be had with a closed door
If you open your door a crack, ICE may push their way in
Note: This is not consent for them to enter

BEFORE opening the door or answering questions, you have the right to ask:
For their names and badges
Are you local police? From what precinct?

Ask them to slide a business card under the door. Ask if they have a judicial warrant? Ask to view a copy.

If ICE enters without a warrant, you can reiterate that you do not consent to their entry.

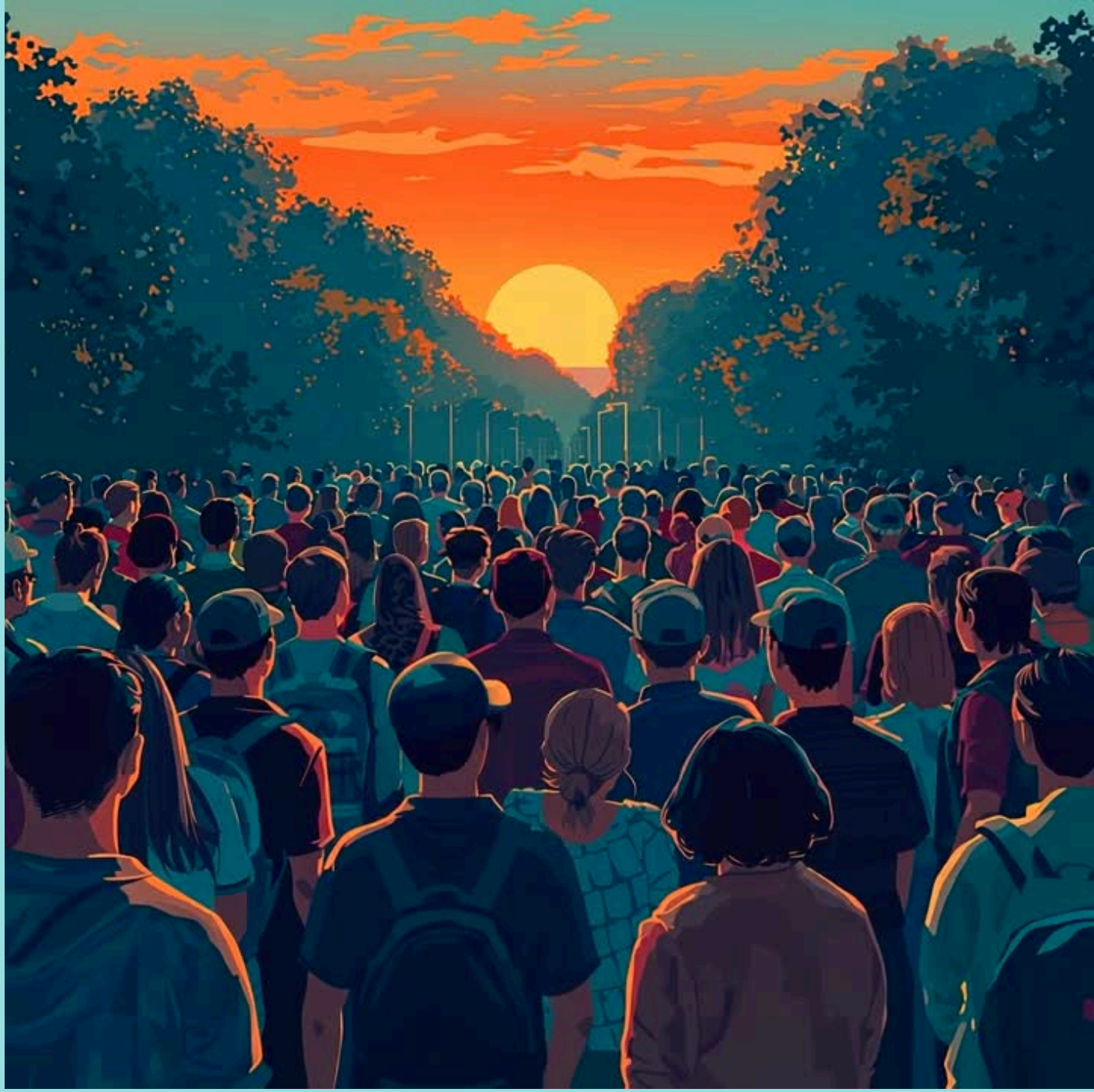
Public Places = if the public can freely enter, so can ICE

Public places include:

- streets, sidewalks, public parks
- public libraries, post offices, etc.
- transportation hubs - bus stations, train stations, etc.
- And more!



YOUR RIGHTS WHEN WITNESSING ICE ENFORCEMENT



What if ICE asks for my name or ID in public?

Everyone has a right to remain silent whenever ANY officer asks questions (ICE, local police, FBI, etc.). You have the right to:

Identify: Who is questioning you (ICE, local police, FBI, etc.).
Assess: Whether refusing to give your name may escalate the situation.
Assert: Your right to remain silent if that feels the safest in the moment.

Your "Script": "I am invoking my right to remain silent. I do not want to answer questions. I do not want to give you any documents."

What if ICE Asks Me About My Immigration Status?

- If ICE doesn't ask about your status, you do not have to affirmatively offer your immigration status or present immigration-related documents to ICE.

- If ICE does ask you about your status or for immigration documents, what the law requires you to say and provide depends on your immigration status.

    - **U.S. Citizens:** Do not have to carry proof of citizenship. However, presenting proof of citizenship may help to resolve an ICE encounter.
    - **Lawful Permanent Residents (LPRs):** LPRs who are 18 or older are required by law to carry their green card with them at all times and should provide it when asked.
    - **Other valid immigration status (TPS, work visa, student visa):** If you have valid, unexpired immigration documents and are over the age of 18, the law requires that you carry those documents with you.
        - Consult an attorney if you aren't sure what documents you must carry.
    - **Undocumented individuals:** Case specific. May be in your best interest to exercise your right to remain silent. May consider carrying work permit, proof of a pending immigration application or proof that you have been in U.S. for more than two years.

Observing ICE Enforcement



1. **You have a right to record under the First Amendment**
2. **Do not interfere or escalate**
    - Do not touch, push, or hit an officer
    - Do not block someone in an effort to protect them.
    - Do not run away; if you leave the situation, walk calmly.
    - Always speak respectfully.
    - Remember: ICE agent misconduct cannot be challenged on the street
3. **You have the right to remind people being of their rights**
    - “You can remain silent!” “You don’t have to answer questions!”
    - “You have the right to call your lawyer!”
    - “You don’t have to sign anything without a lawyer!”

Observing ICE Enforcement (continued)

5. **After recording, think carefully before posting to social media**
6. **Never lie**
    a. You can remain silent. You cannot lie.
7. **Do not actively hide someone or help them escape**
    a. Do not hide someone in your vehicle or home
    b. Do not lie about a person's whereabouts, remain silent





What Happens after ICE Enforcement

What Happens After an ICE Arrest?

ICE will bring the individual to a DHS facility or Enforcement Removal Operations (ERO) field office for processing.

- Short Term: Individual likely will be first detained at a facility in New Jersey
- Longer term - Common for those picked up in NJ to be transferred to an out-of-state facility

ICE Detained Parents Directive

- If ICE encounters minor children during enforcement actions, ICE should under no circumstances take custody of children or transport them unless the child is also a target of the enforcement. ICE should allow caretakers being detained to make alternate care arrangements for children prior to their detention.
- In the past, extremely unusual for ICE to detain children with their parents, except at the border. Still the exception to the rule, but becoming more common. Only two detention centers for family units, both in Texas.
- U.S. Citizen and permanent resident children should NOT be detained with their parents.

What happens if a child's caretaker is detained?

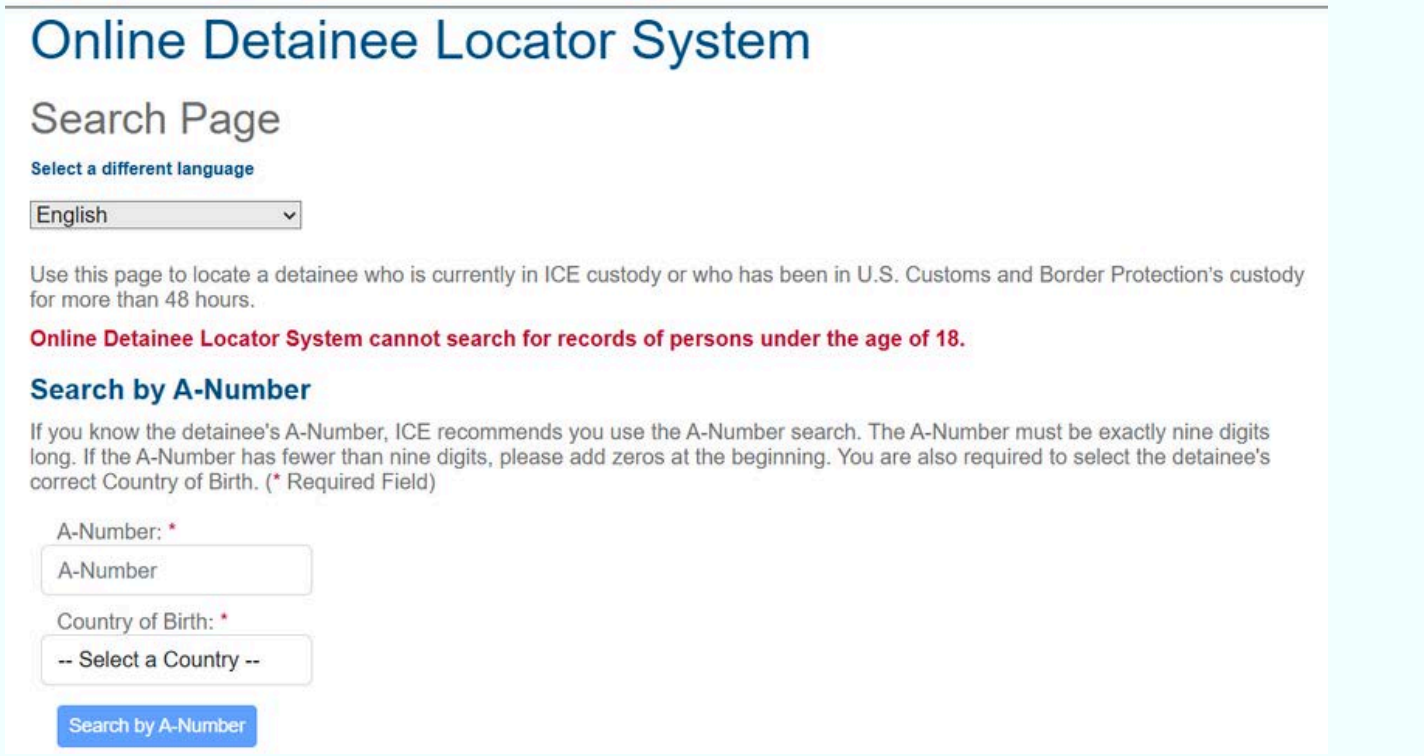
- If the caretaker had a Power of Attorney in place, designated caretaker has authority to make decisions.

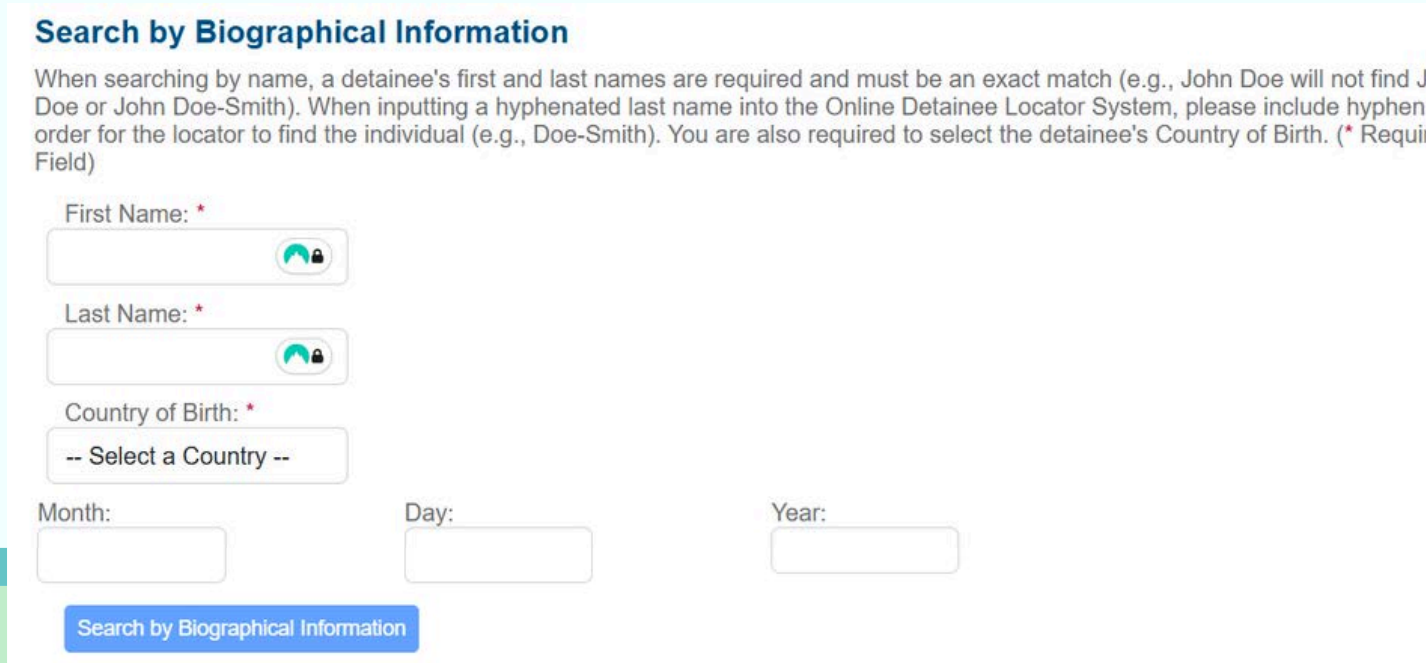
- If the caretaker did **not** have a Power of Attorney in place, but a family member or family friend has stepped in to provide care, it is possible for parent to complete a Power of Attorney while in ICE detention.

- If there is no one to care for the child, NJ Division of Child Protection and Permanency may step in to search for a family member to provide care or place the child in foster care.

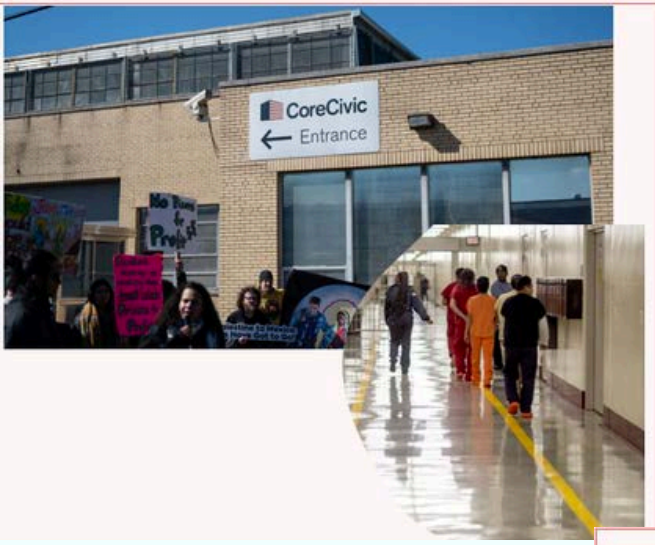
How do I find out where an individual is being detained?





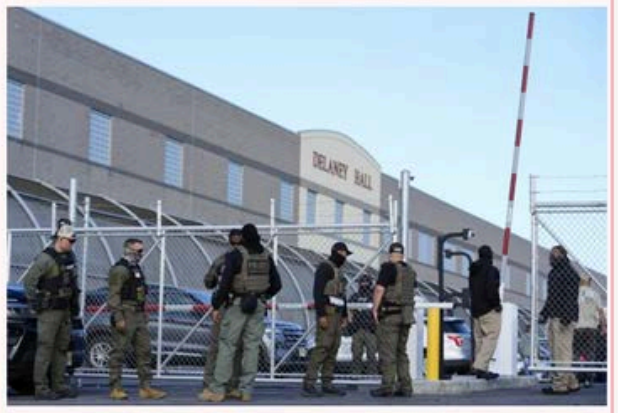


Elizabeth Detention Center ("EDC")

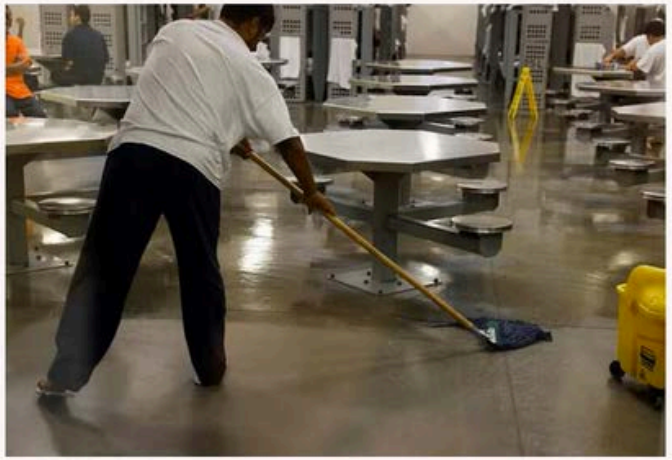


- Operated by CoreCivic
- Located: 625 Evans St, Elizabeth, NJ 07201
- Can hold 300 individuals – currently being used as a temporary staging facility, but also has long-term detainees
- Male and female
- Venue: Elizabeth Immigration Court that is located inside the Facility. Detainees appear in-person.

Delaney Hall ("DH")



- Opened May 2025
- Holds up to 1,000 people
- Male and female facility
- Located: 451 Doremus Ave, Newark, NJ 07105
- Subject of litigation and political protests
- Venue: Elizabeth Immigration Court. Detainess appear through CCTV.



Moshannon Valley Processing Center ("MVPC" or "Moshannon")

- Holds over 1,000 people
- Men and women facility
- 555 GEO Drive, Philipsburg, PA 16866
- NJ noncitizens transferred to Moshannon typically have past convictions or pending charges.
- Issues with resolving criminal matters remotely - subject to ongoing litigation
- Venue: Elizabeth Immigration Court. Detainees appear through CCTV.

NJ Detention, Deportation, Defense Initiative

- State-funded legal representation program that offers free and expert counsel to low-income individuals who are detained and facing deportation in New Jersey.

American Friends Service Committee

Rutgers Law

Seton Hall Law

LSNJ

Referral Form

3 BIG TAKEAWAYS

1



Support Families in Establishing Power of Attorneys + Being Prepared

2



Put up Clear Signage designing Facility as Private

3



Know What to do Before, During, & After ICE Enforcement



Thank You!

Info@njcic.org