

洛杉矶联合教师协会(UTLA)的教育工作者致力于打造安全的学习环境

教育工作者重视安全的学习环境, 研究显示, 在身心安全的情况下, 学生们在课堂上会有更积极参与和学习的表现。洛杉矶联合教师协会支持我们的学生及其家人。本手册中的信息旨在让家人和学生了解, 如果在学校、社区或家门口发生移民执法(或试图执法)时, 他们有哪些权利。

在学校

洛杉矶联合学区(LAUSD)是家庭的庇护区和安全区。作为庇护学区, 洛杉矶联合学区制订政策如下:校长和指定人员必须设法阻止或限制校园内的移民执法, 并且洛杉矶联合学区的政策禁止自愿与移民官员合作。如果移民局官员试图进入校园, 校长或其指定人员必须遵循学区政策, 联系地区运营管理员进行进一步处理和获取指导, 以确定学区是否需要遵守搜查令、传票或法院命令, 除非出现紧急情况。移民局官员没有权力不受限制地查阅学生记录或进入学校校园。此外, 校园警察“.....无权执行联邦民事移民法”尽管学校职员不应同意移民局执法人员进入(除非有紧急情况声明), 但学校职员不应尝试肢体阻碍执法人员, 即使是在执法人员的行径超出搜查令或其他文件授权范围的情况下亦然。

提醒您, 不论移民身份为何, 儿童均有权接受免费公立教育 (Plyer 诉 Doe案), 并有权享有安全的学习环境。当孩子在校舍内时学校会代替父母负起照顾的责任, 这也被称为照顾义务(Geyer 诉 Downs & Rodriguez v. Inglewood 联合学区案)

加州刑法第626条

“安全学校区”是指在正常上课时间、上学和放学前后 60 分钟内、或在学校举办的学校活动前后 60 分钟内, 包含以下任何地点的区域:

(A)距离由学区公开指定为校车站的公交车站 100 英尺以内, 无论该站是否为公共交通公交车站。此定义仅适用于学区选择将公交车站标记为校车站的情况

(B)距离学校 1,500 英尺以内, 由学区指定的区域

移民官员或代表移民官员的地方执法机构可以对学校进行突击检查吗?

- 没有法律规定公立学校有义务协助移民官员的执法行动, 包括但不限于对学校学生进行筛查, 以识别哪些人可能没有身份文件。
- 特朗普政府已撤销要求美国移民与海关执法局(ICE)避免在敏感/受保护区域(包括学校)开展移民执法活动的政策。ICE 内部指令的变更 目前不会改变洛杉矶联合学区的庇护政策。加利福尼亚州、洛杉矶县、洛杉矶市和洛杉矶联合学区都通过了保护移民社区的法律和政策。

如果联邦政府为了移民执法的目的而要求提供有关学生或家长的信息, 洛杉矶联合学区有什么权力?

- 一般而言, 1974 年《家庭教育权利和隐私法案》(FERPA)要求 学校可向第三方隐瞒可能识别学生身份的信息, 包括 联邦移民官员。
- 此外, FERPA禁止学校未经父母同意或传票许可披露学生教育记录中的个人识别信息。即使在持有传票的情况下, 在披露任何信息之前, 洛杉矶联合学区的职员也应咨询地区运营管理员和洛杉矶联合学区总法律顾问办公室, 以确定传票的有效性和可执行性。
- 学校不需要也不应该询问或记录学生和/或其家庭成员的移民身份。

UTLA EDUCATORS ARE INVESTED IN SAFE LEARNING ENVIRONMENTS

Educators care about safe learning environments because research shows that when students feel physically and emotionally secure, students learn and participate more in their classrooms. United Teachers Los Angeles stands with our students and their families. The information in this booklet is to inform families and students about their rights if immigration enforcement – or attempted enforcement – occurs in schools, in their neighborhoods, or at their home doorsteps.

AT SCHOOL

LAUSD is a Sanctuary District and Safe Zone for Families¹. As a sanctuary school district, LAUSD has policies such that principals and designees must attempt to prevent or restrict immigration enforcement on campus, and LAUSD policy prohibits voluntarily working with immigration agents.² If an immigration agent were to attempt to enter the school campus, a principal or designee must follow District policy to determine whether the District needs to comply with the warrant, subpoena, or court order by contacting the Region Administrator of Operations for further processing and instruction, unless there is an exigent circumstance³. Immigration agents cannot have unfettered access to student records or the school campuses. Additionally, school campus police “...have no authority to enforce federal civil immigration law”⁴. Although school staff should not consent to access by an immigration enforcement officer except for a declaration of exigent circumstances, school staff should not attempt to physically impede the officer, even if the officer appears to be exceeding the authorization given under a warrant or other document.

As a reminder, children, regardless of immigration status, have the right to a free public education (*Plyer v. Doe*) and have a right to a safe learning environment. When children are present in school buildings, the school is responsible for their care in place of their parents, also known as **duty of care** (*Geyer v. Downs & Rodriguez v. Inglewood Unified School Dist.*)

CA. Pen. Code § 626

“Safe school zone” means an area that encompasses any of the following places during regular school hours or within 60 minutes before or after the school day or 60 minutes before or after a school-sponsored activity at the school site:

- (A) Within 100 feet of a bus stop, whether or not a public transit bus stop, that has been publicly designated by the school district as a school bus stop. This definition applies only if the school district has chosen to mark the bus stop as a school bus stop
- (B) Within 1,500 feet of a school, as designated by the school district

Can immigration officials or local law enforcement acting as immigration officials conduct raids at schools?

- There is no law that obligates a public school to assist immigration officials in an enforcement action, including but not limited to an effort to screen students at a school to identify who may be undocumented.⁵
- At present, federal immigration policy is to avoid conducting immigration enforcement activities in sensitive/protected areas, including schools, under most circumstances.

What power does LAUSD have if the federal government requests information about a student or parent for the purposes of immigration enforcement?

- In general, the Family Education Rights and Privacy Act of 1974 (FERPA) requires that schools withhold information that could identify students to third parties, including federal immigration officials.⁵
- Furthermore, FERPA prohibits schools from disclosing personally identifiable information in a student’s education records without parental consent or a subpoena. Even if presented with a subpoena, LAUSD personnel should consult with the Region Administrator of Operations and LAUSD Office of the General Counsel to determine the validity and enforceability of the subpoena before disclosing any information.⁵
- Schools do not need to and should not inquire about or keep records on the immigration status of students and/or their family members.⁵

¹ Reaffirmation that Los Angeles Unified School District Will Be a Sanctuary District and Safe Zone for Families Threatened by Immigration Enforcement (Res-034-24/25) <https://www.lausd.org/cms/lib/CA01000043/Centricity/Domain/1057/Tab%2039%20-%20Res%20034.pdf>

² LAUSD as Safe Zones and Resource Centers, REF 6767.3.

³ Exigent circumstances include: National security/terrorism, imminent risk of death/violence or harm to any person, fresh pursuit of dangerous felon, protection of evidence in a criminal case.

⁴ Reaffirmation of Los Angeles Unified School District Schools as Safe Zones for Families Threatened by Immigration Enforcement (Res-093-16/17) <https://www.lausd.org/cms/lib/CA01000043/Centricity/domain/818/pdfs/resolutions/Reaffirming%20Safe%20Zones%20Resolution.pdf>

⁵ Fair Immigration Reform Movement https://unidosus.org/wp-content/uploads/2021/07/firm_resourcesforeducators.pdf

了解您在面对移民和海关执法局 (ICE) 时的权利

个人不论是否有身分文件, 在这个国家均享有权利。如果适用于您的情况, 请与您的家人 (包括孩子) 和家庭成员分享此信息。在您的社区内广泛分享这一信息, 以确保每个人在与移民和海关执法局 (ICE) 或国土安全调查署 (HSI) 等移民官员接触时, 或当他们来到您家时, 都知道自己的权利。

在您的社区或家里

ICE 来到您家门口

除非 ICE 或任何执法人员出示由法官签署, 并注明您的姓名和地址的搜查令, 否则不要给他们开门。他们可以将搜查令从门下塞进来, 或者通过窗户出示。如果 ICE 或执法人员没有搜查令, 那么您不必开门。**一旦打开门, 您就有可能失去某些权利。**

如果被 ICE 拦截或询问

您不必与 ICE 交谈或回答他们的问题。**您有权保持沉默。**您可以拒绝与 ICE 官员交谈。不要回答任何问题, 尤其是有关您的出生地、移民身份或您如何进入美国的问题。不要向他们透露您自己或您家人的任何个人信息。说你想保持沉默直到可以和律师交谈。让您的孩子和家人练习对 ICE 说“不”。

在与律师交谈之前, 您有权拒绝签署任何文件。拒绝签署任何文件可能会增加您获得正当程序的机会。**签署任何东西都可能导致您放弃您的权利。**

要求与律师交谈并去见移民法官。您有权与律师交谈, 也有权打电话。请务必随身携带或记住移民律师或紧急联系人的电话号码。

您应该携带和避免携带的文件:

- 请随身携带“了解你的权利”卡, 以便在您被 ICE 或警察拦截或审问时, 行使保持沉默的权利。
- 请随时携带移民律师、辩护律师或非营利移民法律服务业者的电话号码, 以便在紧急时拨打。
- 请勿携带任何有关您原籍国的文件。
- 请勿携带任何假造的身分文件或移民证件, 例如: 仿造的社会安全号码卡

“了解你的权利”卡背面
KNOW YOUR RIGHTS CARD ON THE BACK

扫描了解更多信息
For more information



KNOW YOUR RIGHTS WHEN FACING IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE)

Documented and undocumented individuals have rights in this country. If applicable to your situation, share this with your family (including children) and household members. Share it widely within your community to ensure everyone knows their rights when approached by immigration officials, such as Immigration and Customs Enforcement (ICE) or Homeland Security Investigations (HSI), or if they come to your home.

IN YOUR NEIGHBORHOOD OR AT HOME

ICE AT YOUR DOOR

Do not open the door for ICE or any enforcement officer unless they present a warrant, signed by a judge, identifying your name and that address. They can slide the warrant under the door, or present it through a window. If ICE or the enforcement officer does not have this, then you do not have to open the door. **Once you open the door, you risk losing certain rights.**

IF STOPPED OR QUESTIONED BY ICE

You do not have to talk to ICE or answer their questions. **You have the right to remain silent.** You can refuse to speak to an ICE agent. Do not answer any questions, especially about your birthplace, immigration status, or how you entered the United States. Do not give them any personal information about yourself or anyone in your family. Say that you want to remain silent until you speak with a lawyer. Have your children and others in your family practice saying “No” to ICE.

You have the right to refuse to sign anything before you talk to a lawyer. Refusing to sign anything may increase your chances of receiving due process. Signing anything may result in giving up your rights.

Ask to speak with a lawyer and to go before the immigration judge. You have the right to speak to a lawyer and the right to make a phone call. Make sure to carry with you or memorize the phone number for an immigration lawyer or emergency contact.

DOCUMENTS YOU SHOULD AND SHOULD NOT CARRY WITH YOU:

- At all times, carry a Know Your Rights card to exercise your right to remain silent in case you are stopped or interrogated by ICE or police officers.
- At all times, carry the telephone number of an immigration lawyer, advocate, or nonprofit immigration legal services provider you will call in an emergency.
- Do not carry any documentation about your country of origin.
- Do not carry any false identity documents or false immigration documents such as a false Social Security Number card.

KNOW YOUR RIGHTS CARD

- 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 and address 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.
- I choose to exercise my constitutional rights.

了解你的权利卡

- 根据美国宪法第五修正案赋予我的权利, 我不想与您交谈, 回答您的问题, 或者签署或交给您任何文件。
- 根据美国宪法第四修正案赋予我的权利, 我不会允许你进入我的家, 除非你持有法官或地方法官签署、其上列有我姓名和地址的搜查令, 并从门缝传递给我, 否则我不允许你进入我的住家。
- 根据美国宪法第四修正案赋予我的权利, 我不允许你搜查我的任何物品。
- 我选择行使我的宪法权利。