

Additional Information Relevant to AASA Webinar on Immigration Policy

Differences between judicial warrant and ICE warrant

- Judicial warrant comes from the bench and compels compliance – it must be specific not broad and can include a specific search of property and arrest.
- Ice warrant issued by ICE office and individuals can be detained and they cannot enter a home or a school without permission. Of note, the 2021 memo mentioned above protects playgrounds and bus stops. If there are exigent circumstances such as a bomb threat, terrorist threat or an immediate threat to overall public safety or if explicit permission is granted by the school, then they may enter even without a warrant.

It is highly recommended that

- districts have a Single Point of Contact (SPOC) to address questions that may come up and that the person either be the legal counsel or the Superintendent
- that detailed records be kept of policy, any attempts from ICE etc.
- districts proactively send out policy to all staff and families that include student rights and protections
- Attorney Fernandez stressed that these agency guidelines and memos have not be codified into law and therefore could change with the incoming administration.

DACA

- The status/protections are renewed every two years if the person meets eligibility – however this doesn't automatically grant permanent status so these people may still be deported. No new applications are currently being accepted.
- Memo 2017 – AG Sessions declared DACA to be illegal and unlawful. Despite this, the Supreme Court upheld DACA not as a policy but because the process that was used by AG Sessions and the department didn't uphold the necessary procedural mechanisms.
- 2023 a federal court in Texas ruled DACA was unlawful so as of January 2025 the case is still pending and could move to the US Supreme Court so that a decision is made as to whether DACA is legal.
- Unclear at the moment which if any immediate actions the incoming administration will take.

J-1 and H-1B visas

- Impact here on staffing and teacher shortages
- Schools J-1 for cultural exchange have more limitations than H-1B
- Schools with staff using H-1B visas in particular bilingual teachers can use this for up to 6 years and they may also pursue a green card. The new administration has suggested that

are going to tighten the rules and eligibility for these types of visas.

- What might districts expect regarding either visa?
- Site visits/audits
- State department inquires
- In response districts should be prepared with clear policies for staff on Visas that includes job descriptions, documented recruitment efforts and an up-to-date tracking system for monitoring of visa status.

Closing remarks by Attorney Fernandez

- Expect policy shifts to happen quickly
- Get policies out to staff in writing be very clear
- Be sure to have your legal counsel monitor and stay up to date
- Check warrants for signatures to confirm if it is from a judge and specific or from ICE
- In case of a judicial warrant parents must be informed unless the warrant specifically states otherwise
- Ask for identification if anyone comes to district or school offices
- Decide what you are going to do in terms of information for families