
Getting Ready

CLINIC's National Enforcement Response Plan

*A plan to help communities prepare and plan for
immigration enforcement actions.*

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INTRODUCTION

The Catholic Legal Immigration Network, Inc. (CLINIC) has developed this plan to help local communities prepare and plan for immigration enforcement actions by the Department of Homeland Security's (DHS's) Immigration and Customs Enforcement (ICE) division.¹ The plan sets forth the key functions that communities should consider implementing before, during, and after an enforcement action. These functions have been divided into five categories: community education, community liaison, social services, legal services, and media relations. Given the draconian impact of raids and other immigration actions on local communities, the need for coordinated planning is clear. In recent years, ICE has dramatically increased its enforcement operations. In Fiscal Year (FY) 2002, ICE made 25 criminal arrests and 485 arrests for administrative violations at worksites. In FY 2007, the numbers jumped to 863 criminal arrests and 4,077 administrative violation arrests. In FY 2007, ICE fugitive operations teams arrested 30,000 individuals, double the number from FY 2006. At the same time, ICE initiated removal proceedings against 164,000 immigrants who are serving prison terms.

These operations are taking place in cities and towns across the nation. There is no way to know for sure where and when the next ICE enforcement action will occur. Yet many communities recognize the need to plan for this possibility. In response to requests from local charitable agencies, CLINIC has developed a "National Enforcement Response Plan" to help communities plan for ICE raids and other large-scale actions, including those targeting persons with final removal orders and certain criminal convictions.²

CLINIC's plan is intended to put local communities in a position to respond to affected individuals and families if an enforcement action occurs. It envisions collaboration between a lead social service provider (like a Catholic Charities, other social service organization, or labor union), legal service providers, and other community agencies and groups. Under this plan, the lead or "anchor" agency will coordinate and serve as the focal point for enforcement preparation and response activities.

¹ The National Enforcement Response Plan was written by CLINIC attorney Karen Herrling with guidance and input from Susan Schreiber, Field Office Attorney at CLINIC, and Don Kerwin, Executive Director at CLINIC. The plan is a work in progress. It will be posted on CLINIC's website at www.cliniclegal.org. Please direct any questions or comments to Karen Herrling at kherrling@cliniclegal.org or (202) 635-7410.

² To develop this National Enforcement Response Plan, CLINIC drew upon the expertise and information compiled within the following materials: "AILA Chapters Workplace Raids Action Plan" by the American Immigration Lawyer's Association; "From Raids to Deportation: A Community Resource Kit," by the National Immigration Project of the National Lawyers Guild and Detention Watch Network; "Maryland Raid Response Plan," by CASA de Maryland; "How to Be Prepared for an Immigration Raid," by the National Immigration Law Center; "Community Raid Preparedness Checklist: Lessons Learned from New Bedford, MA and Marshalltown, IA," by the Fair Immigration Reform Movement; "SEIU Manual on ICE Raids," by SEIU, and "What to do in the event of a Raid," by advocacy groups in the D.C. area including, Catholic Charities Hogar Hispano and the Legal Aid Justice Center –Immigrant Advocacy Project. Additionally, CLINIC would like to thank the following individuals for their time and expertise: Arlene MacNamee, Director, Catholic Social Services of Fall River, Inc., and Eliza Leighton, CASA de Maryland.

IMPLEMENTING AN ENFORCEMENT RESPONSE PLAN

In general, enforcement planning requires activity on several fronts and a team of individuals and organizations that can collaborate on tasks in five principal areas. These tasks include: (1) educating and preparing the immigrant community for enforcement actions; (2) cultivating relationships with key government officials; (3) providing social services to those affected by enforcement actions; (4) providing legal advice and services to individuals who may be affected and to those responding to an enforcement action; and (5) communicating with the media before, during and after an enforcement action.

Under the plan, the anchor agency will work collaboratively with legal service agencies and other local community agencies to develop and implement an Enforcement Response Plan. CLINIC is committed to assisting anchor agencies and communities in this effort. Specifically, CLINIC can:

- ✓ Provide its National Enforcement Response Plan and support local communities in adapting this plan to their particular situations.
- ✓ Provide training curricula and materials to educate the immigrant community about their rights, safety planning, detention, and community planning.
- ✓ Train community agencies and leaders to train immigrants about their rights, safety planning and the detention process.
- ✓ Work with national agencies to mobilize pro bono resources.
- ✓ Work with national agencies to train local pro bono lawyers on how to represent immigrants who are detained and in deportation proceedings.
- ✓ Provide advice and support on national advocacy and press efforts.
- ✓ Provide advice and support on relevant enforcement-related topics.

CLINIC recognizes that each community is different. There is no one plan that will be appropriate in all places. CLINIC's National Enforcement Response Plan offers a framework to guide planning activities. Particular plans will vary based on the availability of social services, legal services, organizing and media resources, the size and status of the immigrant community, ICE enforcement priorities, and other local realities.

CHECKLIST: ENFORCEMENT RESPONSE PLAN

Getting Started:

- Lead or “anchor agency” organizes a planning meeting(s) of interested individuals and organizations.
- Determine geographic range of enforcement response work.
- Establish five Enforcement Response Teams: Community Education, Community Liaison, Social Services, Legal Services, and Media Relations.
- Secure commitments from individuals and organizations as to involvement and resources.
- Develop a communication plan for the Enforcement Response Teams.

Community Education Enforcement Response Protocols

Before an Enforcement Action

- Form a “Community Education Enforcement Response Team.”
- Provide regular “Enforcement Preparation and Family Safety Planning” trainings.
- Establish a train the trainer program.
- Utilize local media outlets to educate public.
- Ask individuals to retain lawyers before actions and memorize lawyer’s information.
- Develop a “Post Enforcement Information Packet for Families.” (Explained on page 10.)
- Develop a communication plan to inform community about enforcement actions.

During an Enforcement Action

- Verify that an enforcement action has occurred and notify Team about the action.
- Inform immigrant community about action by implementing the communication plan.
- Help to coordinate a community meeting at a safe gathering place.
- Disseminate “Post Enforcement Information Packet for Families” to families.

After an Enforcement Action

- Ensure that there is a safe place for those affected to gather.
- Provide needed trainings to the community.

Community Liaison Enforcement Response Protocols

Before an Enforcement Action

- Develop a “Community Liaison Enforcement Response Team.”
- Cultivate relationships with government officials, local government service agencies, administrators of schools and day care centers, business leaders, and labor unions.
- Consider working with unions and large employers on rights trainings.
- Develop a list of “Key Contacts” to notify if an enforcement action takes place.
- Develop a communication plan of when and how to notify “Key Contacts.”

During an Enforcement Action

- Notify Team and “Key Contacts” of enforcement action.
- Help get information about action and detainees from “Key Contacts.”
- Reach out to unions and local government agencies to see how they can help.
- Ensure that elected local officials and Congressional offices know about the action.

After an Enforcement Action

- Liaise with individuals and organizations to help with information needs of community.
- Keep communication open with the “Key Contacts.”

Social Services Enforcement Response Protocols

Before an Enforcement Action

- Form a “Social Services Enforcement Response Team.”
- Identify a space to hold community meetings and serve as service delivery location.
- Determine what services will be needed in the event of an enforcement action.
- Create a network of counselors, social workers, clergy who can provide counseling.
- Designate a volunteer coordinator.
- Prepare a database of the names and contact information for volunteer translators.
- Investigate creating a relief fund for families of detainees.
- Establish a toll-free phone number and identify a website to gather and post information.
- Create a small support team for families of detainees in need of special assistance.
- Develop a communication plan for providing information and a social service delivery plan for providing needed services.

During an Enforcement Action

- Verify that an action has occurred.
- Notify your Team about the action.
- Activate the Team’s service delivery plan.
- Mobilize networks: counselors, social workers, clergy, translators, volunteer coordinator.
- Activate a relief fund.
- Organize a community meeting and begin a coordinated intake process to assess needs.
- Create a list of who is missing.
- Help to arrange for transportation to the community gatherings and detention facilities.
- Activate a toll-free phone number and website for gathering and giving information.

After an Enforcement Action

- Gather the affected community on a regular basis for support.
- Meet the basic needs of affected individuals and families.

Legal Services Enforcement Response Protocols

Before an Enforcement Action

- Develop a “Legal Services Enforcement Response Team.”
- Designate a persons(s) to coordinate the legal and strategy work of Team.
- Create a “Legal Services Network” of lawyers and law firms that can represent detainees.
- Determine the level of commitment, the need for training, and the need for translators.
- Provide any needed training to lawyers.
- Determine which lawyers will communicate with ICE, do intakes of detainees, provide “Know Your Rights” presentations, represent detainees in immigration court, and sign retainer agreements with clients before an action.
- Gather “Know Your Rights” and “Self-Help Legal” materials for detainees.
- Secure a copy of ICE Detention Standards.
- Create a list of the detention centers and jails in your area.
- Help create “Post Enforcement Information Packets” with Enforcement Response Teams.

During an Enforcement Action

- Verify that an enforcement action has occurred.
- Notify Team and national legal support agencies of action.
- Contact ICE officials to gather information about the action and advocate for detainees.
- If ICE is planning on transferring individuals out of the area, work to stop the transfer.
- Assist at a community gathering to impart legal information and answer questions.
- Gain access and arrange visits to the detention facilities.
- If denied or limited access, document the barriers to access.
- Once you have access to detention facilities: conduct group “Know Your Rights” sessions and individualized screenings; identify candidates for humanitarian relief; create a database with information on each client.
- Work with Community Liaison Team to contact relevant consulates and embassies.

After an Enforcement Action

- Notify immigration court of Team’s intention to screen and represent those apprehended.
- Provide pro bono representation to detainees in immigration court.
- Meet with ICE District Counsel to urge discretion and challenge stipulated orders, as appropriate.
- In cases where persons are charged with crimes, notify the Federal Public Defender.
- Explore legal challenges to the government’s conduct, as appropriate.

Media Relations Enforcement Response Protocols

Before an Enforcement Action

- Form a “Media Relations Enforcement Response Team.”
- Designate a person to lead the Team.
- Develop a list of individuals who can talk to media.
- Create media contact list of those in the print, radio and broadcast media.
- Prepare materials (press releases, opinion pieces) that can be adapted.
- Develop relationships with national organizations that can help with media strategy.

During and an Enforcement Action

- Notify Team and national agencies about action.
- Consider holding a press conference, candle-light vigil, or demonstration.
- Restrict press access for meetings that are only for the affected community.
- Consider preparing family members to speak with media after the meetings.
- Use media technologies like videos and pictures to capture the impact of the action.
- Document community support for the individuals detained and their families.

After an Enforcement Action

- Release updated information about the action every day.
- Consider taking pictures and recording people's stories for present and future advocacy.

Important: With media work you will need to be sensitive to families and careful not to depict those in your community that do not have legal status.

GETTING STARTED: ENFORCEMENT RESPONSE PLANNING

GETTING STARTED – IDENTIFYING PARTNERS AND RESOURCES

To begin the process of developing an Enforcement Response Plan, a lead or “anchor agency,” or a group of organizations should organize a planning meeting of interested individuals and organizations. Potential partners will include local immigration coalitions, legal service organizations, bar associations, law school clinics, social service organizations, health care providers, schools, community-based organizations, faith-based groups and others. At some early point, the anchor agency will need to secure commitments from participants regarding their level of involvement and the resources that they can bring to the collaboration.

GETTING STARTED – TARGET REGION

An initial focus might be on defining the geographic range of the program -- whether a city, a county, a state, or a region that encompasses parts of multiple states. Factors that will influence this determination include the availability of community resources, and the size and location of immigrant populations.

GETTING STARTED - SETTING PRIORITIES & COORDINATION

As noted, enforcement-response work involves coordination in five principal areas: community education; community liaison; social services, legal services; and media relations. CLINIC’s National Enforcement Response Plan envisions communities establishing five **Enforcement Response Teams** that relate to these functions. At the very least, responsibility for these particular activities need to be assigned to participating agencies.³

CLINIC has developed **Enforcement Response Protocols** for each of the five teams. The Protocols provide a laundry list of tasks that the teams should consider in planning for enforcement actions. The tasks are grouped in three time frames -- “Before an Enforcement Action,” “During an Enforcement Action,” and “After an Enforcement Action.”

The anchor agency will play a pivotal role in overseeing the work of the five Enforcement Response Teams. It will convene representatives from each Enforcement Response Team on a regular basis to plan and coordinate efforts. This group will need to establish a communication plan early in the process.

³ In large communities it may be easier to establish the five teams and implement the recommended actions. In smaller communities, individuals and organizations may need to serve on multiple response teams or develop a “regional” or even “state-wide” response to enforcement actions.

Community Education Enforcement Response Protocols

Overall Objective: Educate immigrants on their legal rights if approached, arrested or detained by DHS (or local police), on “safety planning” steps to take in advance of any enforcement action, and on planning a community response to enforcement actions.

Before an Enforcement Action

1. Develop a “Community Education Enforcement Response Team” that will educate the immigrant community on how to plan and prepare for enforcement actions. Develop a communication plan to keep in contact with one another, including email and phone lists.
2. Provide regular “Enforcement Preparation and Family Safety Planning Training” to educate the immigrant community on how to prepare for enforcement actions. This training is geared toward immigrants and their families who may be at risk of arrest and detention.

The training includes modules (with accompanying materials) on: (1) “Basic Know Your Rights Information for Immigrants and Families,” (2) “Family Safety Planning,” and, (3) “Overview of Detention for Individuals and Families.” See Appendix A -- “Enforcement Preparation and Family Safety Planning Training.”

3. Establish a “Train the Trainer Program” to train members of community agencies, churches, unions, and other leaders to provide “Enforcement Preparation and Family Safety Planning Training” to immigrants.
4. Work with the Media Relations Enforcement Response Team to share the information covered in the “Enforcement Preparation and Family Safety Planning Training” through the local media.
5. Have a notary available to sign power of attorney forms at the “Enforcement Preparation and Family Safety Planning Trainings.”⁴

⁴ When individuals and families develop a family safety plan it is important for them to consider childcare and financial issues. Families should consider preparing a legal document that temporarily assigns the custody of their children to a responsible and trustworthy emergency caregiver in case the parents are detained. This is often referred to as a “Special Power of Attorney for Childcare.” Families with a bank account, a car, a house, and other financial and legal matters, should consider preparing a legal document that allows a trusted family member or close friend to handle their financial affairs if they are detained. This is often referred to as a “General Power of Attorney” or “Special Power of Attorney for Financial Matters.” All “Power of Attorneys” are governed by state law.

6. Decide which institutional partner will keep *copies* of the “Emergency Information Sheets” or “Power of Attorney” forms. (Emergency Information Sheets should be handed out during the trainings.)

7. Encourage individuals to contact lawyers in advance of any enforcement action so that a lawyer can be ready to provide representation in the event of an arrest. Individuals at risk for arrest and detention should memorize the name and number of the lawyer that has agreed to represent them.

8. Develop a “Post Enforcement Information Packet for Families” (with the Legal Services Enforcement Response Team) that includes the information listed below.

9. Create a list of embassies/consulates with contact information for your area.

10. Create a list of Immigration Legal Services in your area.

11. Create a List of Immigration Detention Centers in or near your area. Information should include:

- (a) Locations, directions and phone numbers.
- (b) Visiting hours.
- (c) Items family members are allowed to bring to detainees.

12. Create a list of local jails that includes:

- (a) Locations, directions and phone numbers.
- (b) Visiting hours.
- (c) Items family members are allowed to bring to detainees.

13. Create an “Important Numbers Handout” that includes contact information on the:

- (a) Immigration Court (court name, address, hours).
- (b) ICE Detention and Removal Office.
- (c) Special Agent-in-Charge (SAC) – ICE Investigations.
- (d) ICE Headquarters.
- (e) Courts of Appeal in your area.
- (f) District Courts in your area.

14. Include “Tips for Helping Someone Facing Deportation” in the “Post Enforcement Information Packet for Families.”

15. Develop a communication plan to inform the immigrant community about an enforcement action. Possible tools include a telephone/cell phone tree, e-mail broadcast, announcements at public events, and ethnic media.

During an Enforcement Action

1. Work with the other Enforcement Response Teams to verify that an enforcement action has occurred. See Appendix B– Questions to Verify an Enforcement Action.

2. Notify your Community Education Enforcement Response Team about the enforcement action.
3. Inform the immigrant community about the enforcement action by carrying out your communication plan.
4. With the Social Services Enforcement Response Team, help to coordinate a community meeting at a safe gathering place to:
 - (a) Share information about the enforcement action and provide any updates and information about where people are being held and who was apprehended.
 - (b) Learn about the immediate needs of the individuals and families affected by the enforcement action.
 - (c) Give individuals and families the opportunity to speak with counselors, social workers, clergy, and other support persons.
 - (d) Provide information to the community about the detention process – how to find a family member in custody, to gather relevant documents for them, and to visit them.
 - (e) Provide information to family members about the rights of those detained by ICE.
 - (f) Determine individual and family needs, particularly related to detention.
5. Provide “Post Enforcement Information Packet for Families” to families affected by the enforcement action.

After an Enforcement Action

1. Work with Social Services Enforcement Response Team to ensure that there is a regular place for those affected by the enforcement action to gather in order to:
 - (a) Share information and resources.
 - (b) Provide support.
 - (c) Mentor families regarding detention and deportation.
 - (d) Develop leaders in the community who will support those individuals and families that need continued assistance.
2. Provide “Enforcement Preparation and Family Safety Planning Training” and materials to the immigrant community.
3. Determine if there are other trainings and materials that need to be developed that would assist the immigrant community. For example, family members may need job-related and financial training.
4. If there are other trainings and materials needed, work with the other Enforcement Response Teams to prepare and provide them.

Community Liaison Enforcement Response Protocols

Overall Objective: Build relationships with key government entities to mitigate the impact of enforcement actions through improved communications with ICE, assistance from consular offices, cooperation and protocols with child protective services, and other contacts.

Before an Enforcement Action

1. Develop a “Community Liaison Enforcement Response Team” that can build relationships with key stakeholders and mobilize to respond to enforcement actions. Develop a communication plan to keep in contact with one another, including email and phone lists.
2. Cultivate relationships with federal government officials working at the local level. You should reach out to:
 - (a) Executive Office for Immigration Review (EOIR).
 - (b) DHS officials, including the community liaison person in your area.
3. Cultivate relationships with your local ICE Office,⁵ including:
 - (a) the ICE Special Agent in Charge (SAC) who is in charge of Investigations.
 - (b) the ICE Field Office Director (FOD) who is in charge of Detention and Removal.
4. Cultivate relationships with embassies or consulates that serve the immigrant community in your area.
5. Cultivate relationships with your local Police Department, including:
 - (a) the Chief of Police.
 - (b) Precinct Captains.
 - (c) Community Policing Officers.
6. Cultivate relationships with the offices of elected officials, including:
 - (a) the Mayor’s Office.
 - (b) the Mayor’s Office of Latino Affairs or any similar office.
 - (c) the City Council persons from immigrant-populous areas.

⁵ It is important to ensure that local ICE agents are aware of ICE’s internal guidance regarding (a) engaging in enforcement activities at workplaces where there are ongoing labor disputes, and (b) releasing detained parents who care for minor children or elderly relatives. Also, through a meeting, the Team can ask about the local offices’ enforcement protocols, how decisions are made to proceed with an enforcement action, and key contact information.

Note: After the New Bedford raid, Congressional intervention was crucial in helping some detainees remain in the area. Thus, you should build relationships with other key elected officials including:

(d) U.S. Senators and Members of Congress.

(e) Members of the State Legislature that represent your community.

7. Cultivate relationships with state and city social service agencies, including:

(a) Child and Family Services.

(b) Health and Medical Services.

(c) Mental Health Services.

8. Develop a list of day care centers and schools in your area. Collect contact information on the administrators and principals at these day care centers and schools and develop relationships with them.

9. Cultivate relationships with business leaders who employ or who cater to immigrants.

10. Consider holding “Know Your Rights” trainings for employers so that they understand their rights and the rights of their employees in the case of an enforcement action.

11. Cultivate relationships with labor unions that represent immigrants.

12. Consider working with unions and large employers in your community to provide “Know Your Rights” trainings to workers.

13. Develop a list of “Key Contacts” that you will need to notify if an enforcement action takes place in your area.

14. Develop a communication plan of when and how you will notify your list of “Key Contacts” in the event of an enforcement action.

During an Enforcement Action

1. Notify your Community Liaison Enforcement Response Team about the enforcement action.

2. Find out as much about the enforcement action as possible from the different Enforcement Response Teams and other contacts.

3. Notify “Key Contacts” about the enforcement action.

4. Notify the principals and administrators of day care centers and schools about the enforcement action.

5. Coordinate with the Legal Service Enforcement Response Team on how to obtain crucial information about the action and the people detained.

6. Coordinate with the Social Service Enforcement Response Team to determine what social services are needed. Once the needs are assessed, reach out to local unions and government agencies to see how they can help affected individuals and their families.

7. Ensure that elected local officials and relevant Congressional offices are aware of the enforcement action and the effects on the community. Enlist their support, if necessary, in helping to ensure that detainees stay in the area, that the needs of children are met, and that bond is set for detainees.

After an Enforcement Action

1. Liaise with those individuals and organizations that have agreed to respond to the needs of the immigrant community.

2. Keep open lines of communication with the relevant officials in DHS/ICE, embassies and consulates, police departments, unions, businesses, and local, state and federal government.

3. Continue to work with principals and administrators from day care centers and schools.

Social Services Enforcement Response Protocols

Overall objective: Develop a plan to provide social service support, including information dissemination, emergency funds, housing, food, transportation, child care, and supplies to individuals and families impacted by an enforcement action.

Before an Enforcement Action

1. Form a “Social Services Enforcement Response Team” that can be mobilized to respond to the immediate and long-term needs of immigrants in the event of an enforcement action. Develop a communication plan to keep in contact with one another, including email and phone lists.
2. Identify a gathering space that can be used to hold community meetings and that might serve as the central location for service delivery. The space will need to be open for extended hours in the evenings and on the weekends if an enforcement action occurs. It should be located in a place where immigrants feel secure.
3. Determine what services will be needed in your community if a raid occurs and who could provide these services. Some needs include:
 - (a) Baby supplies.
 - (b) Food and milk.
 - (c) Transportation to bring people to the community gathering space, and to detention facilities.
 - (d) Bus or subway tokens.
 - (e) Emergency money for bills.
 - (f) Clothes.
4. Create a network of counselors, social workers, clergy who can provide counseling services to individuals and families.
5. Designate a volunteer coordinator who can match the skills of volunteers with the needs of the organizations participating in the humanitarian response.
6. Prepare a database of the names and contact information for volunteer translators.
7. Investigate creating a relief fund for families of detainees. Questions to consider: Is there a way to raise funds on-line? Is there a community foundation that can administer the money? Can a secure, streamlined system be developed to provide money to needy families?
8. Consider establishing a toll-free phone number and using your website to gather and disseminate information. The 800 number should be staffed by multi-lingual persons, 24/7 if possible in the first days after a raid. You should explore funding for this work.

9. Consider creating a small group of trusted people who will serve as a support team for families of detainees in need of special assistance.
10. Establish a communication plan for disseminating information about enforcement actions and a delivery plan for needed social services.

During an Enforcement Action

1. Work with the other Enforcement Response Teams to verify that an enforcement action has occurred. See Appendix B – Questions to Verify an Enforcement Action.
2. Notify your Social Service Enforcement Response Team about the enforcement action.
3. Mobilize networks that can respond, including:
 - (a) Counselors.
 - (b) Social workers.
 - (c) Clergy.
 - (d) Translators.
4. Mobilize your volunteer coordinator.
5. Activate a relief fund if you have one. If you do not have a relief fund, create a secure, streamlined way to accept donations and to distribute funding and other support.
6. Organize a community meeting at the community gathering place to:
 - (a) Share information about the enforcement action and provide updates and information about where people are being held, and who was apprehended.
 - (b) Learn about the immediate needs of the affected individuals and families.
 - (c) Give individuals and families the opportunity to speak with counselors, social workers, clergy, and other support persons. .
 - (d) Provide information to the community about the detention process – how to find a family member, to gather documents for them, and to visit them.
 - (e) Provide information to family members about the rights of those detained by ICE.
 - (f) Determine the legal needs of those arrested and their families.
7. Begin a coordinated intake process at the community gathering place to assess the needs of affected individuals and families.
8. Create a list of who is missing.
9. Help to arrange for transportation to the community gatherings and detention facilities.
10. Activate a toll-free phone number and website for gathering and disseminating information.

After an Enforcement Action

1. Gather the affected community on a regular basis in order to:
 - (a) Share information and resources.
 - (b) Provide support.
 - (c) Mentor families regarding the detention and deportation process.
 - (d) Develop leaders in the community who will support those individuals and families that need continued assistance.

2. Meet the basic needs of affected individuals and families, including food, shelter, monetary assistance to pay rent, child care, and transportation.

Legal Services Enforcement Response Protocols⁶

Overall objective: Create a network of attorneys and accredited representatives to (a) counsel undocumented immigrants about available rights and remedies under immigration law; (b) provide individual representation to persons detained by ICE and placed in removal proceedings; (c) undertake litigation to respond to institutional abuses.

Before an Enforcement Action

1. Develop a “Legal Services Enforcement Response Team” to ensure that legal advice and services are available to affected immigrants and their families. Develop a communication plan to keep in contact with one another, including email and phone lists. Develop contacts with national legal support and advocacy agencies like CLINIC, AILA, the ABA, the National Lawyer’s Guild, the Immigrant Advocates Network (IAN), and the Detention Watch Network (DWN). These agencies can provide pro bono training, web-based support, case support, legal updates, national advocacy, and contacts with service providers in locations where arrested immigrants may ultimately be transferred.
2. Designate a person or persons on the Team to coordinate the legal work and strategy.
3. Create a “Legal Services Network” of lawyers and law firms that agree to represent those arrested and their families. Identify networks of pro bono lawyers, including those associated with AILA and Bar Associations in your area. This network should include lawyers with expertise in immigration law (particularly deportation defense), constitutional law, and family law. Explore whether law school clinics are available to join the network.
4. Determine the level of commitment, the need for training, and the need for translators in your Legal Services Network.
5. Determine which lawyers from the Legal Services Network will communicate with ICE during and after an enforcement action.
6. Determine which lawyers from the Legal Services Network will conduct intake and “Know Your Rights” presentations to detainees.

⁶ AILA has developed an excellent raids action plan for AILA chapters called “AILA Chapters Workplace Raids Action Plan.” It provides a comprehensive discussion of the legal services that need to be considered in the event of an ICE enforcement action and helped to inform what we included in this section. It helped A copy of AILA’s plan can be found at AILA’s website at: www.aila.org.

7. Determine which lawyers from the Legal Service Network will represent detainees in immigration court and how they will attach to their clients.
8. Determine which lawyers from the Legal Services Network will provide pro bono legal services to immigrants at risk of arrest and detention. Work with the Community Education Enforcement Response Team to have individuals sign retainer agreements with these lawyers so that they are contacted and can provide representation in the event of an enforcement action.
9. Determine the level of expertise of the lawyers in the Legal Services Network. Coordinate with national legal support agencies to train local lawyers on how to represent immigrants in deportation proceedings.
10. Gather from national agencies “Know Your Rights” and “Self-Help Legal” materials that can be given to detainees.
11. Secure a copy of the ICE Detention Standards. The Detention Standards are guidelines that govern the treatment of detainees, including their ability to access counsel and to represent themselves. They are available at <http://www.ice.gov/partners/dro/opsmanual/index.htm>
12. Create a list of the detention centers and jails in your area, including the following information:
 - (a) Address and directions.
 - (b) Attorney visiting hours.
 - (c) Number of attorneys allowed to visit at the same time.
 - (d) Attorney access requirements such as bar cards or G-28s.
 - (e) Access for others (paralegals, law students, interpreters).
 - (f) Facility policy on space for “Know Your Rights” presentations.
 - (g) Availability of small rooms or private areas for individual screening.
13. Create “Post Enforcement Information Packets” for families and friends in collaboration with the Community Education Enforcement Response Team. The materials should include:
 - (a) Locations, directions and phone numbers for courts and jails.
 - (b) Visiting hours at jails for family members.
 - (c) Items family members are allowed to bring to detainees.
 - (d) List of lawyers.
 - (e) Executive Office of Immigration Review (EOIR) phone numbers.
 - (f) Contact number for embassies and consulates.
 - (g) Information on how to post bond.

Note: You will want to assemble bond information specific to your ICE office, such as whether bail bonds or (only) appearance bonds are allowed. Make information from ICE available in written form (in the appropriate languages) to detainees and family members.

During an Enforcement Action

1. Work with the other Enforcement Response Teams to verify that an enforcement action has occurred. See Appendix B – Questions to Verify an Enforcement Action.

2. Notify your Legal Response Enforcement Team and national legal support agencies about the enforcement action.
3. Contact ICE officials to gather as much information about the enforcement action and to advocate on behalf of those arrested. See Appendix C – Suggested Action Plan for Meeting with ICE.
4. If ICE is planning on transferring individuals out of the area, work to stop the transfer through legal intervention and advocacy. You may consider (1) filing for a Temporary Restraining Order followed by a Preliminary Injunction to stop the government from transferring detainees, and (2) coordinating with your Community Liaison Enforcement Response Team to ask your elected officials, the press, and others to pressure ICE not to transfer individuals out of your area. Example: In the New Bedford Raids, the intervention of Senator Edward Kennedy stopped some of the detainees from being transferred to Texas.
5. Assist at a community gathering to impart legal information, answer questions, and share knowledge about the enforcement action.
6. Try to gain access and arrange visits to the detention facilities. You will need to be persistent and resourceful. See Appendix D – Possible Tactics to Use to Gain Access to Detention Facilities.
7. If you are unable to gain access, document the relevant policies and your efforts to gain access.
8. If your visits to detention facilities are inappropriately limited or curtailed, document the relevant policies and your efforts to gain reasonable access.
9. Once you have access to detention facilities:
 - (a) Conduct group Know Your Rights (KYR) legal orientation sessions.
 - (b) Conduct individualized screenings immediately after KYR presentations with those persons who may be U.S. citizens or Lawful Permanent Residents, those who might have some relief, and those with questions.
 - (c) Identify candidates for humanitarian relief, such as sole-caregivers who did not identify themselves to ICE during the enforcement action and persons with medical conditions, mental health issues, or other special conditions.
 - (d) Create a database with information on each client (including date of birth, "A number", jail, location, family contact information).
10. Contact point people at relevant consulates and embassies about detainees from their countries.⁷

⁷ Under the Vienna Convention, consular officials have the right of access to their nationals who are detained, at the request of the detainees. Consular officials can verify the nationality of detainees, help to notify family of their situation, explore possible legal violations by ICE, and protest detention conditions.

After an Enforcement Action

A major factor in the work of the Legal Services Enforcement Response Team is where the detainees are ultimately held and which court is assigned to conduct their hearings. Frequently, persons are held locally for only about 24 hours and then transferred out of state.

1. If those arrested are detained nearby, the Legal Services Enforcement Response Team may be able to ensure that their legal needs are met. If the detainees are transferred to a remote location, legal representation will need to be coordinated with a local service provider. The national legal support agencies can help to facilitate these connections.
2. Contact your local immigration court. Inform the court of the Team's intention to screen those apprehended in the enforcement action and its willingness to represent some of those in court, including at master calendar, bond and merits hearings. In appropriate circumstances, inform the court of any challenges you may be facing in getting full and prompt access to the detainees and ask that judges not sign stipulated orders of removal. If large numbers of individuals are involved, the Team will want to coordinate scheduling of bond hearings with the court administrator.
3. Provide pro bono representation to detainees in immigration court.
4. Meet with ICE District Counsel to urge prosecutorial discretion for large numbers of those apprehended. In appropriate circumstances, stipulated orders of removal that were signed prior to detainees' access to counsel should be challenged.
5. In cases where persons are charged with criminal violations, notify the Federal Public Defender in the district.
6. Legal Service Networks should elicit information that is relevant to possible legal challenges to the government's conduct of the enforcement action. See Appendix E -- AILA List of Possible Legal Challenges to Raids.

Media Relations Enforcement Response Protocols

Overall Objective: Keep all media outlets – print, radio and television – informed about details of ICE enforcement actions and their consequences for affected individuals, families and communities.

Before an Enforcement Action

1. Form a “Media Relations Enforcement Response Team” that can prepare for and respond to enforcement actions in the community. Include individuals who can serve as the points-of-contact for written press, radio, television, and the internet. Develop a communication plan to keep in contact with one another, including email and phone lists.
2. Designate a point person to lead the Team.
3. Prepare lists of individuals who are trained and prepared to talk with the media in the event of an enforcement action, such as elected officials, immigration coalition spokespersons, community leaders, staff at community-based agencies, and clergy.
4. Create a list of those in the print, radio and broadcast media to contact in the event of an enforcement action.
5. Prepare materials that can be adapted if an enforcement action occurs, such as:
 - (a) Model press releases.
 - (b) Descriptions of organizations involved.
 - (c) Sample letters to the editor.
 - (d) Immigration statistics and explanation of the contributions of immigrants to the community.
 - (e) Information from national and local agencies on the scope and impact of enforcement actions.
 - (f) Information on what various faith traditions teach about the treatment of immigrants.
6. Develop a relationship and communicate with national organizations like the American Immigration Lawyers Foundation, the National Council of La Raza, the National Immigration Forum, and CLINIC. These agencies can provide media training, advice, and assistance in securing media coverage.

During an Enforcement Action

1. Notify your Media Relations Enforcement Response Team and national agencies with media expertise about the enforcement action.
2. Consider holding a press conference, candle-light vigil, or demonstration.

3. If you decide to hold a press conference,⁸ consider:
 - (a) Highlighting the impact of the enforcement action on the community and (if appropriate) questioning the methods used to arrest and detain individuals.
 - (b) Providing information about the enforcement action to the entire community, not just to the immigrant community.
 - (c) Advocating that ICE use its discretion by not transferring and deporting people from the area.
 - (d) Asking the community to provide monetary and in-kind assistance to affected individuals and family members, including donations for food, money, clothing, diapers, pre-paid calling cards, and volunteer support.
4. As noted, it will be crucial to gather members of the affected community in a safe place after the action. It is important to keep the press out of the meeting so that individuals and family members can share information and concerns.
5. Consider preparing family members to speak with members of the media after a community gathering occurs. Any family member that speaks to the press should be lawfully present in the United States.
6. Consider using media technologies like videos and pictures to capture the impact of enforcement actions on families and communities. (You will need to be sensitive to families and careful not to depict those in your community that do not have legal status.)
7. Document community support for the individuals detained and their families.

After an Enforcement Action

1. The Media Relations Team should consider releasing updated information on the enforcement action on a regular basis.⁹ This is useful for the families impacted by the enforcement action, as well as for mainstream and ethnic media.

For example:

Day One: Show the chaos of enforcement action and its human cost.

Day Two: Hold press conference with family members.

Day Three: Invite community members to discuss the economic impact of the enforcement action.

Day Four: Hold an event with local and national politicians.

Note: If you do not provide the media with new information from your side every day, anti-immigrant groups may fill that space.

2. Consider taking pictures and recording people's stories for present and future advocacy. (You will need to be sensitive to families and mindful of their legal status.)

⁸ Casa de Maryland held a press conference the day of a raid at a 7-11 convenience store. They provided information about the logistics of the raid to community members, provided a forum for discussion of its impact, and questioned the profiling methods of ICE.

⁹ See "SEIU Manual on ICE Raids," by SEIU, chapter 6 for information on developing a communications plan for ICE raids. You can obtain a copy by contacting Ali Jost, SEIU Sr. Media Relations Specialist, at ali.jost@seiu.org, and 202-246-9327.

Appendix A -- Enforcement Preparation and Family Safety Planning Training

It is essential that immigrants who are at risk of arrest and detention are educated about their legal rights and how to form a safety plan. There are three essential components to such training:

(1) “Basic Know Your Rights Information for Immigrants and Families.”

This module provides basic information about the legal rights of immigrants and what to do if immigration or police officers come to their home or workplace, or confront them on a street or public area. The materials include a sample “Know-Your-Rights Cards” that should be kept on their person.

(2) “Family Safety Planning.”

This module provides information about developing a “Family Safety Plan” if a friend or family member is at risk of arrest and detention. Individuals and families are given a checklist to help them prepare, including “Emergency Information Sheets” forms that family members can fill out in order to retain important information in the same, accessible place. The Emergency Information Sheets contain: (1) emergency telephone numbers, (2) work numbers, (3) medical information, (4) child and other dependent care information, (5) legal contacts, and (6) information on pets. Additionally, the materials include sample “Special Powers of Attorney for Childcare” forms and a “General Power of Attorney” forms.

(3) “Overview of Detention for Individuals and Families.”

This module provides information about what to do if a family member or friend is detained. It also provides information on the immigration and detention process.

Appendix B -- Questions to Verify an Enforcement Action

It is important to gather as much information as possible about the enforcement action. Because enforcement actions can generate rumors, inaccurate information and even panic in immigrant communities, it is important *first* to verify that an enforcement action is occurring or has occurred. Here are some possible questions to ask to determine whether a raid is occurring or has occurred:

- (1) Where is the enforcement action?
- (2) Is it focused on a home(s), workplace(s) or in a community setting?
- (3) Did the officers identify themselves as immigration or police?
- (4) Were the local police involved?
- (5) What kind of uniforms did the officers wear?
- (6) What kind of cars did they drive?
- (7) What is the largest city nearby?
- (8) Who reported the incident and how can witnesses' best be contacted?

Appendix C – Suggested Action Plan for Meeting with ICE¹⁰

Below is a suggested Action Plan for meeting with ICE.

- (1) Meet with ICE Field Office Director (FOD) and the Detention and Removal Office (ICE-DRO) staff to obtain details of the enforcement action.
- (2) Try to obtain the identities of persons apprehended.
- (3) Find out where detainees are being held and how long ICE plans to hold them in that location. (Frequently a local facility is used for temporary holding and processing and then individuals are taken to a more distant detention facility.)
- (4) Request that ICE not transfer individuals outside the local area or to remote locations.
- (5) Determine whether ICE is screening certain persons -- such as single parents, other sole caregivers, and people with health issues – for humanitarian release.
- (6) Raise specific concerns related to medical needs, humanitarian issues, and the mistreatment of detainees with the Field Director (FOD) and the Officer-In-Charge (OIC). Note: The OIC is the deportation officer in the jail.
- (7) Determine what arrangements are being made for minor children and other involvement by state social service agencies.
- (8) Find out whether ICE has created an 800 number for family members to learn if their relatives have been apprehended and where they are being detained. If not, request that ICE do so as soon as possible.

Note: If the Team is having difficulty finding out information from ICE, work with the Community Liaison Enforcement Response Team to contact organizations and key individuals that may have information about the enforcement action or may have access to ICE. Consider contacting CLINIC, AILA or other national agencies for assistance in contacting ICE Headquarters in Washington D.C.

¹⁰ Please refer to “From Raids to Deportation: A Community Resource Kit,” by the National Immigration Project of the National Lawyers Guild and Detention Watch Network at 4-6 for excellent information on how to work with ICE on detention related issues.

Appendix D – Possible Tactics to Gain Access to Detention Facilities¹¹

Below are possible tactics to use if you are having problems gaining access to the detention facilities:

- (1) Lawyers should call the Executive Office for Immigration Review’s Office of General Counsel to facilitate access to clients. The number is: (703) 305-0470.
- (2) If the facility is not run by ICE, ask that the Field Office Director (FOD) or Deportation Officer help facilitate access.
- (3) If the ICE Field Office Director (FOD) does not want to assist, consider calling Public Affairs at ICE Headquarters (202) 514-2648 for help to enter a facility.
- (4) Ask the ICE Officer-In-Charge (OIC) of the facility to call the jail for access.
- (5) Determine if non-lawyers can gain access to detainees, such as domestic violence groups, consular officials, or social workers.
Example: In the Swift Raids, a domestic violence group gained access to female detainees to determine their potential eligibility for T and U visas. Also, social workers gained access to detainees in the New Bedford raids.

¹¹ AILA, the National Immigration Project of the National Lawyers Guild, Inc., and Detention Watch Network have excellent suggestions on how to gain access to detention facilities. See “From Raids to Deportation: A Community Resource Kit,” by the National Immigration Project of the National Lawyers Guild and Detention Watch Network and “AILA Chapters Workplace Raids Action Plan.”

Appendix E -- AILA List of Possible Legal Challenges to Raids¹²

AILA lists examples of possible legal challenges to government enforcement actions, including:

- (1) Suppression motions for information wrongfully obtained.
- (2) *Habeas* actions.
- (3) Other injunctive relief.
- (4) *Bivens* actions, brought against federal officials in their private capacity for violations of constitutional rights.
- (5) Federal Tort Claims Act actions against the United States for torts committed by federal officials.
- (6) Section 1983 actions against state employees (usually not federal also) for violations of federal rights.

¹² AILA has developed an excellent raids action plan for AILA chapters called “AILA Chapters Workplace Raids Action Plan.” It discusses the legal issues that AILA chapters may want to explore beyond removal issues at pages 11-12. A copy of AILA’s plan can be found at AILA’s website at: www.aila.org.