FROM THE NATIONAL IMMIGRATION LAW CENTER: https://www.nilc.org/action/

Parents and legal guardians detained by Immigration and Customs Enforcement (ICE) have the right to make decisions about their minor child's care, even from inside ICE detention. ICE considers a "minor child" to be a child under 18 years of age. Parents and legal guardians who have a case with their state welfare authorities also have the right to stay involved in that case. In July 2025, the Trump Administration issued a new policy to ICE officers about what they should do when they arrest and detain parents with minor children in the United States. We know that ICE does not always honor people's rights. However, below are five things to know about your parental rights under the policy and how to ask for them.

Legal Disclaimer: This resource provides general information. It is not legal advice specific to your situation. To find an immigration attorney, you can search for legal services by zip code by visiting the National Immigration Legal Services Directory at https://tinyurl.com/94catnxt.

1/ Demand Congress hold ICE accountable

2/ Tell Congress: Take back $240 billion in mass deportation funding

3/ Take action: email state legislators--no more secret police

- You have the right to make decisions about the care and custody of your child at the time of arrest by ICE. You have the right to be kept near your child and stay in touch with them while detained.

You can ask for help from designated workers in most detention centers to help you make plans for your children. Some jails have people called "custody and removal coordinators." They are not the same as your ICE officer. Some jails may call them "social workers" even though that is not their official title. Their job is to help you make plans for someone else to care for your child while you are in ICE detention. They can also help you talk to a case worker in the child welfare system if you have a child in the court system and you need help making case plan requirements to get your child back. This help might include:

- Helping to set up phone or video calls with lawyers.
- Helping you ask for a visit from your consulate to apply for passports or other travel documents.
- Helping to set up calls or meetings with a case worker, if your child is in the child welfare system.

- Sharing information with your child's caregiver about when you may be deported so that you can try to leave together.

It is also important to tell the custody and removal coordinator or any other staff in the detention facility if your parental status changes so they can make sure your parental rights are protected. For example, if you or your partner has a new baby born while you are in detention, or if one of your children enters the state child welfare system, it is important for the custody and removal coordinator to know

• You can be part of your child's welfare court case while you are in ICE detention. I

f you have a family or child welfare proceeding that is necessary to keep or get back custody of your child, you have the right to appear in-person for that hearing. You, the court, or the child welfare agency court must give ICE a written document that says you must participate in such proceedings. This document could be a court notice, a letter, or a court order.

If ICE says they can't take you to court in person, they may set up another form of participation, like a telephone or video appearance. If there is a custody and removal coordinator in the jail you are being held in, they can also help set this up.

• You can decide whether your child will remain in the United States and make alternative care arrangements, if you will be deported.

If ICE is going to deport you, you have the right to make decisions about what happens to your child. You can decide to have your child remain in the United States, whether they are a U.S. citizen or immigrant child, even if they do not have legal status. While it is your choice to have your child stay in the United States, ICE policy says the officer is required to have you put this decision in writing. If this is not done, then ICE officers must swear that this was what you told them was your choice. The custody and removal coordinator or other staff are supposed to help you make plans to leave your child with another caregiver, if that is your choice.

You can also decide that your child will leave the United States and come with you. This includes U.S. citizen and immigrant children. In some cases, ICE may give you time to buy flights so you can leave the country together. It may also be the case that a child follows you to your home country after your deportation. ICE is also supposed to allow you to talk with lawyers, consulates, and family members to help you make plans and sign important documents before you leave the country.

You can make a different choice for each of your children if that is what you think is best for them. The choice is yours about what happens to your children, no matter what ICE officers may tell you.

• What If ICE Is Not Following Their Own Policy?

We know many immigrant parents may not have the time or money to hire a lawyer to speak up for them. If your ICE officer is ignoring your requests, or if the custody and removal coordinators are not helping you, you can try calling ICE's Detention, Removals, and Information Line (DRIL) to make a complaint.

This hotline is free for people in ICE detention. The DRIL line has people who speak different languages and can talk with you, but you might have to wait on hold. Look for a flyer in your housing unit with the DRIL line number (it may be 9116# or 1-888-351-4024).