

FIRST CONGREGATIONAL CHURCH UCC
FORT ATKINSON PRESCHOOL and CHILDCARE
31 W. Milwaukee Street
Fort Atkinson, Wisconsin

Policy and Procedure in Case of Enforcement Action

This policy provides protocols for staff at Fort Atkinson Preschool and Childcare and First Congregational Church UCC in case of immigration enforcement actions at or near Fort Atkinson Preschool and Childcare and First Congregational Church UCC. These protocols are not intended to interfere with the enforcement of federal immigration laws and are not political in nature.

Purpose: To provide directions if any entity appears for information or to interview children or families, to keep our services accessible to all families, and uphold core childcare constitutional principles of educational equity and access. We recognize that having federal immigration agents on our property would discourage parents from bringing their children to Fort Atkinson Preschool and Childcare and First Congregational Church UCC as well as accessing services on behalf of their children. It is our responsibility as early care and education professional to ensure our program is safe, reliable, and accessible to every family we serve or who seeks our services.

Designated private areas: Fort Atkinson Preschool and Childcare, Church Office, Plymouth Hall, and Church Playground.

Procedure:

1. The designated staff member tells the agents that the Fort Atkinson Preschool and Childcare and First Congregational Church UCC have a procedure they are required to follow for the safety of the children, staff, and parents.
2. Do not give the agents permission to enter any part designated as “PRIVATE”. Notify Preschool and Childcare Director, Assistant Director, or Lead Teacher
3. Ask for the agents credentials and verify the type of warrant. Slide documents under the door. Both judicial and administrative warrants are legal orders that authorize searches and seizures, but they differ significantly in their purpose, the level of proof required, and the issuing authority. Option: Call Fort Atkinson Police Department to assist with verification of type of warrant.
 - a. Judicial Warrant: See Appendix A example.
 - i. An official court order **signed by a judge** or magistrate that authorizes a search of private property, seizure, or arrest based on probable cause that a crime is being committed or has been committed.
 - ii. Do not obstruct or resist.
 - iii. A request for records only: Escort agents to Burr Oak Room, bring records to them.
 - iv. Allow entrance to only the areas specified in the warrant.
 - v. Accompany agents while they are on program property.

- vi. If agents conduct activity outside the scope of the warrant, tell them you do not consent.
 - vii. Remain calm, take notes, document all events. If comfortable, video record or take pictures.
- b. ICE Administrative Warrant: See Appendix B example.
 - i. A document issued by a federal agency such as Department of Homeland Security (DHS) or Immigration and Customs Enforcement (ICE), purporting to document their authority to arrest a person suspected of violating immigration laws. These administrative documents are not signed by a neutral magistrate or judge but rather an immigration officer like an ICE agent or immigration judge. An ICE administrative warrant is NOT a judicial warrant. ICE administrative warrants do not give ICE officials authority to enter a place where there is a reasonable expectation of privacy, without consent.
 - ii. If this happens—state clearly that you do not consent to them entering but do not physically resist.
 - iii. If ICE officials have already entered, then ask them to leave and state that you do not consent to a search.
- 4. Prior to allowing agents entry to “Private” areas:
 - a. Alert staff of enforcement agents’ presence via SLACK App.
 - b. Notify First Congregational Church UCC Pastor, Moderator, Vice Moderator, or Past Moderator.
 - c. Notify parents of ICE presence.
 - d. Staff should escort children to designated areas.
 - e. Minimize disruptions to children’s routines.
 - f. Prioritize children’s physical and emotional well-being.
 - g. Limit children’s visibility to the agents if possible.

Complete Incident Report: Attach any additional documents.

Example of a Judicial Warrant, must comply.

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Appendix B

Example of an ICE administrative warrant which DOES NOT authorize agents to enter.

U.S. Department of Justice
Immigration and Naturalization Service

Warrant of Removal/Deportation

File No: _____

Date: _____

To any officer of the United States Immigration and Naturalization Service:

(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 district director or a district director's 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:
Section 241(a)(5) of the Immigration and Nationality Act(Act), as amended.

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Attorney General 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 the appropriation. "Salaries and Expenses Immigration and Naturalization Service 2002," including the expense of an attendant if necessary.

(Signature of INS official)

(Title of INS official)

(Date and office location)

Form I-205 (Rev. 4-1-97)N

Resources:

Center for Law and Social Policy: CLASP. www.clasp.org "A Guide to Creating "Safe Space" Policies for Early Childhood Programs, 01/22/2025. Updated in 2025 by Priya Pandey.

The National Immigration Law Center. www.nilc.org "What to Do if Immigration Comes to Your Workplace", 01/31/2025.

Motion Law, www.motionlaw.com "Judicial vs Administrative warrants", 01/23/2025

Immigrant Legal Resource Center. www.ilrc.org "When Immigration Officials Arrive at Your Workplace: A Know Your Rights Toolkit for Public Sector Workers", 01/16/2019.

Immigrant Legal Resource Center, www.ilrc.org "Step-by-Step Family Preparedness Plan", 11/20/2024

Fort School District of Fort Atkinson. Protecting Immigrant Children & Youth: Resources for Youth, Families and Educators.