

Family Emergency Plan in Case of Parental Detention or Deportation



ORIENTATION GUIDE

Facilitators Guide
Spanish Group Conversation

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Purpose of this Orientation Guide

The purpose of this manual is to guide families through the option of preparing a **Family Emergency Plan** for the provisional care of minors who remain in the United States when the parents are detained or deported. This is a guide that offers basic orientation about topics contained in the **LCYC** (*Legal Counsel for Youth and Children*) - **Immigrant Safety Plan for Youth and Children** or in Spanish: **Plan de Inmigrantes para la Seguridad de Jóvenes y Niños**. It can be shared via a “**Group Conversation**,” facilitated by a natural leader, other parents or a community promoter, etc. The guide can be offered solely as an informational piece, *Personal Version* (without the need for a Group Conversation). It can also be used as a resource to put together a Family Emergency Plan and aid in the collection of important documents.

Section 1

Introduction

Immigration and deportation policies affect the individuals, families, and communities in the United States. Deportation especially, has numerous detrimental impacts not only on the people who are deported, but also on the families and communities they are forced to leave behind (*American Psychological Association, 2018*). According to the *Statement on the Effects of Deportation and Forced Separation on Immigrants, their Families, and Communities* (2018), “...immigration policies have moved away from the goal of family reunification, and have the potential to harm US citizens...” including minors, by separating them from their families (pg. 1).

Despite this sad reality, the number of deportations has increased over time. The Pew Research Center estimates that approximately 337,000 immigrants were deported from the United States in 2018; an increase from 2017. During the Obama administration

3 million people were deported between 2009 and 2016. This was an increase from 2 million deported during the Bush administration (*Budiman, 2020*).

1.1 Psychological effects of deportation and family separation

Deportations have psychological consequences on children, youth, and their families:

As the number of deportations increase, so do the negative impacts for families. The *Statement on the Effects of Deportation and Forced Separation on Immigrants, their Families, and Communities* describes in detail the multiple impacts that deportations and forced separations have on immigrant families in the United States. According to this statement, when deportations happen in the community or families, the children experiences feelings of abandonment and anxiety as they imagine the luring risk of being separated from their parents or adult caregivers. At the same time, the adults in the family also experience uncertainty, high levels of stress, and anxiety. All these feelings can cause not only mental, but also physical short- and long-term health problems for the children and adults in the family (2018).

Deportations have psychological consequences for the community:

The negative impact of deportations affects beyond the family, it affects the entire community. According to the Urban Institute and Migration Policy Institute, deportations generally create feelings of distrust, anxiety, and fear in the community. Consequently, people reduce their participation in institutions, services, and programs that could help alleviate the negative impacts of deportations (2015 and 2019). For example, people in the community stop visiting health centers, basic service programs, or social networks that help with the well-being of the family and community at large. Such is the distrust and fear that people stop reporting cases of abuse, crime, or other situations that can put families and those around them in danger (*American Psychological Association, 2018*).

Given the reasons mentioned above, for the safety of the minors and due to a sense of responsibility, it is very important to plan what to do in case of detention or deportation. It is particularly important to learn what is involved in developing such a Family Emergency Plan and what documents are needed for this process. During the Group Conversation, participants will have the option to discuss the processes and documents that will be needed to develop the **Family Emergency Plan in Case of Parental Detention or Deportation**.

Section 2

Considerations for the Facilitators

2.1 Let's get ready!

Months or weeks prior to the Group Conversation, decide on the event coordination process, as well as the way in which the event flyer or information will be circulated in the community through the appropriate groups or individuals. You will also need to define the type of messaging avenues that will be used to ensure clear and effective communication with potential participants in order to achieve the Group Conversation objectives. And finally, but most importantly, consider the participants' confidentiality and unique circumstances. You will also need to decide who and how the different aspects and facilitation of the conversation will be coordinated.

Important Aspects:

- Type of conversation (in person, virtual, Zoom, FaceTime, other means, etc.).
- Conversation location (known and accessible)
- Time/Hours (convenient for participants)
- Group Conversation duration
- Childcare (when applicable/necessary)
- Food

- Incentives for participants
- Materials needed for the conversation (sign-in sheet, agenda, PPT, etc.)
- Materials to be provided to participants during conversation (copies of documents)
- Confidentiality - Clarify that all information provided by participants is confidential and will not be shared with any other organization/agency. Below is an example of a Confidentiality Statement:
"This conversation is confidential and while the nature of the Orientation Guide is personal, participants do not have to reveal any personal or confidential information regarding themselves, their family or their immigration status."
- Decide if it is necessary to create a contact list with the participants' information.
- Others - The facilitator or facilitators are not always people that the participants may know or be familiar with. When possible, make sure that facilitator is a reputable person within the community. That can inspire trust and encourage participants' collaboration during the conversation.

It is important to consider every one of the participants and the possible challenges that this process may represent for them. For example: their emotional state, level of education, language, culture, assimilation, acculturation, and/or special needs, etc. Also consider the possible impact the topics discussed in this Orientation Guide may have on both the facilitator (secondary trauma) and the participants (psychological and emotional trauma). For these reasons, we recommend bearing in mind the topics that will be discussed as these can be emotional triggers for all or some of the participants. Usually these triggers remind or cause the reliving of past traumas thus creating emotional and physical responses such as anxiety, despair, sweats, muscle tremors, etc. We suggest turning to books such as *Trauma Stewardship: An Everyday Guide to Caring for Self While Caring for Others* by Connie Burk and Laura van Dernoot Lipsky or visit websites such as <https://traumastewardship.com/> for additional resources.

Implementation of the Orientation Guide

2.2 Welcome

- *Activity*

 - Icebreaker (Optional)*

Besides a polite greeting and an explanation of the purpose; the structure and how the conversation will be conducted; it is equally important to develop and establish the feeling of TRUST with and among the participants. Always taking into consideration the educational level (literacy) or understanding of the audience and the facilitators' tone of voice during the Group Conversation (for example: avoid using an authoritative tone or one of imposition; facilitate the conversation instead of presenting the information). It should be clarified (using the Confidentiality Statement) that while the conversation is of a personal nature, the participants do not have to reveal any type of personal or confidential information with regards to themselves, their family, or their immigration status.

- At this time or when deemed appropriate it is recommended that a list of agreements with and for the participants be developed.

2.3 Introductions

- *Question for the participants and facilitators:*

Who are we? / Who is here today?

I am/we are _____ (person, organization, program or group).

It is recommended to provide a simple and clear explanation of the facilitators' role during the Group Conversation. As well as the facilitators' affiliation to the organization, program or group organizing the event and how it relates to conversation's main purpose.

NOTE: While this conversation should be interactive, it is easy for the topic to drift and participants to introduce other issues into the conversation that are not part of the agenda or main topics. If this happens, the comments should not be ignored; it is best to determine if the comment can be added to the list of "Notes and questions" (Section 4) at the end of this document or if the topic requires that it be included in another discussion after the session.

2.4 Purpose of the Orientation Guide

This document is a family Orientation Guide concerning the option of preparing a Family Emergency Plan for the temporary care of minors who remain in the United States when the parents are detained or deported.

NOTE: During the welcoming process it is important to clearly state the purpose of the Group Conversation and to speak about the confidentiality of the conversation (using the Confidentiality Statement).

- *Question and conversation with the participants:*

What happens to the children who stay in the United States when parents are detained or deported?

How does this situation affect their social and emotional development?

The family and especially the children face serious legal, economic, social and emotional challenges due to the forced separation they face when one or both parents are detained or deported (NCTSN.org; American Psychological Association, 2018). These situations often have "devastating consequences" for the entire family. For this and many other reasons it is important to discuss, explore, and carefully plan with our families the course of action to be taken if one or both parents and/or legal guardians face deportation or are detained in the United States and are not in position to return home.

It is important to know what to do and to have clear agreements with whoever will be responsible for your children and their belongings. Also discuss and agree regarding the steps to take in order to have a successful reunification of parents and children in another country when this is safe and appropriate. The purpose of this Orientation Guide is to inform and explain step by step the Family Emergency Plan to parents or legal guardians of children who may or may not have U.S. citizenship are detained or deported.



| 2.5 What is this Family Emergency Plan and what is it about?

- *Question and conversation with participants:*
Who has participated in this type of process before?

While this process is not considered a legal procedure or advice, it can be used to plan with your family for action to take that would help your children if one or both parents are detained and/or deported. In this situation, parents will want someone to have permission to care for and/or make decisions regarding their children. It is important to clarify that the documents in this Family Emergency Plan do NOT grant anyone legal custody of your children; this can only be accomplished through a court order. Parents and whoever will be responsible for the care of your children should consult a Family Law attorney to establish legal and temporary custody of the children. The Family Emergency Plan can be used as a guide for parents to obtain important documents that can help their children and their caregiver during the reunification process.



2.6 Talking with our partner/spouse

- *Question and conversation with participants:*

Have any of you had this conversation before with your partner?

The decision of who and how to assign someone you trust is a delicate and sensitive matter that must be taken seriously as a couple and in consensus (both parents in agreement). It is important that you and your partner talk about and decide what you want done with the children in the event of a detention or deportation. Part of preparing for this decision is to have a conversation about what would happen if one or both parents are detained and/or deported. Your partner, like you, will be fearful, have doubts, and questions about what this means. Therefore, it is important to take into consideration what you both need and want in order to feel calm and safe. Before you begin make sure you have all the information you need to explain the purpose of this conversation: the welfare of children in the absence of parents; that this is a provisional plan; and that it is a joint decision.

Below we share relevant questions that can help start that sensitive conversation:

- 1. What would happen if one of us is gone?*
- 2. What would we like to see happen with our children?*
- 3. What would we like to see happen with our belongings?*
- 4. Do we know one or more trustworthy people whom we can ask or designate for the temporary care of our children? Could that person accept this request?*
- 5. Could we talk about why we chose these people?*
- 6. Then together choose and speak with the person selected?*
- 7. What do we want this person to do or not do in our absence?*
- 8. What would make us feel calmer in our absence?*
- 9. What things, situations and actions should we consider?*
- 10. How do we cover the expenses of this situation?*
- 11. What details can we include so that our plans are fulfilled?*



2.7 How to talk with our children

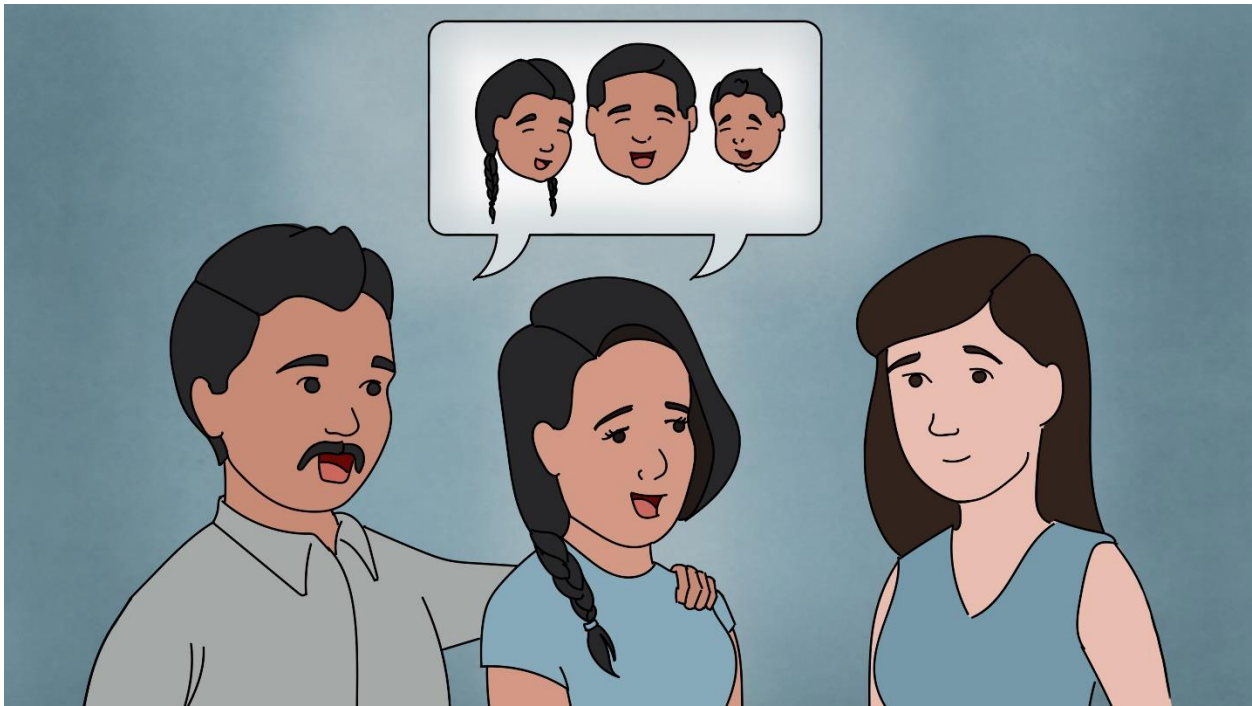
- *Question and conversation with participants:*

Is this a topic that you have talked to your children about?

Talking to children about a possible parental absence is emotionally difficult. For this reason, we recommend preparation, to know how to handle the conversation, questions, and reactions from the children. The conversation can make the children feel more calm and secure by knowing that their parents have a plan. Moreover, the conversation may also help the parents feel calm knowing that their children are informed (APA.org; NCTSN.org; UNIDOSUS.org). Before talking to your children consider the following:

- Plan and organize what you want to say and how you will say it.
- Determine a good time and place to talk with your children. Set aside a time without a lot of activities or interruptions.

- Be aware that the conversation could be emotionally sensitive, and you may have to answer difficult questions.
- Consider sharing your feelings, fears, and concerns. Sharing our feelings helps our children learn to share their own feelings safely, positively, and above all in confidence.
- Consider the age of the children. The conversations will be different according to the age; physical and emotional state of your children. Start by asking them about their concerns, fears, and doubts on the subject.
- Depending on the children's age, consider talking with them not only about the parents' legal status, but also their own. Doing it may help them consider their options; prepare for a long-term life in the United States; and to make the most beneficial decisions. If you decide to talk with your children about this, consider consulting a counselor to help them process the feelings that this new information may trigger. You may also consider consulting an immigration attorney to explain your short- and long-term legal options.
- If you do not feel prepared to have this conversation with your children, you can ask for help or advice from a counselor, psychologist or someone you deem appropriate to handle a topic like this.



2.8 Parents' considerations about the selected person

Choosing, discussing, and agreeing on the considerations for this Plan with the right person is a serious matter. It should be detailed so that both parties feel calm, secure, and clearly understand each other's responsibilities and expectations. That is why it is important to consider what the two parties can, want or are willing to do. The following are questions and considerations that parents should examine closely when selecting and preparing the person(s) who could care for their children.

Questions:

- 1. Can they travel outside the country if necessary?*
- 2. Do they have children of their own?*
- 3. Could they tend to the needs of my children? Especially if I have children with special needs or who require special attention.*
- 4. What values do these people have; or do we share similar values? Even if it is a short stay, when issues like religion, sexuality, marriage, divorce, etc., are very important to you and the people do not share or respect them, this can cause problems and difficulties.*

5. *Do they live in a place big enough to have my children or would they be willing to move if the situation requires it?*
6. *Would there be a payment or financial aid for the care of my children?*
7. *How often and how much would this help be provided?*
8. *Do they live near my children's schools? Or would the children have to be transferred to another school?*

Considerations:

- Have more than one person in mind as a candidate because despite your wishes, the person you choose may not be able to accept your request.
- If the person selected cannot travel out of the country to take your children to you, clarify what your expectations are in your absence.
- Be specific and detailed about the decisions that this person will be able to make in your absence or if they must discuss all decisions with you, even in case of emergencies.
- Make sure you have the information and documents needed for the selected person to carry out your wishes and requests. For example: the pediatrician's phone number; your children's passport if you want your children to reunite with you; add this person to the *emergency contact list* at your children's school, etc.
- Even though the length of your children's stay with the caregiver is unknown, plan for both a long and short stay scenario.
- Get to know the person thoroughly before making the request to make sure they are the appropriate person.

Steps to Take in Preparation for Completing the Plan



2.9 Legal advice - Local resources

It is very important to obtain legal advice when it comes to legal procedures. First make sure that legal experts are trustworthy, legitimate, and reputable. Validating a legal expert is easy. You look up the name of the legal expert on the State Bar website of the state where you live. For example, in the state of Washington you can consult the *Bar Association of Washington State* to find out if the lawyer has a valid license to practice law: <https://www.mywsba.org/PersonifyEbusiness/Default.aspx?TabID=1536>

- Before speaking to a lawyer prepare a written account of dates, names, places and other details of the situation so that you do not forget anything important.
- Make sure you have all documents related to the matter you will be discussing with the legal expert at hand so that your meeting is productive.
- Write down all your questions and concerns in advance. This will help you stay focused during the conversation.
- Create your own list of *Local Legal Resources*.

2.10 Things to consider

- **Talking about taboos:** In general, each culture, society or group creates its own taboos. Although these are general and common "understandings," they can have a negative impact if we have them when we speak with our children. An example of taboo is that "men should not cry," they must be very "macho," or in the case of girls, that they must be obedient and abide by what their parents or elders say without asking questions. To counter the negative impacts of cultural taboos and depending on the age, physical or emotional state, and level of understanding of our children, we must help them strengthen their feelings and emotions. For example, allowing boys to cry and express their feeling without fear of being bullied; or allow girls to question situations that cause them discomfort without fear of being silenced or ignored by adults. Strengthening the emotional development of children will help in case the parents decide to talk to them about what would happen if the parents are detained or deported.
- **Depression and mental health:** Children and youth can experience depression and other mental health conditions like adults, but the symptoms may differ. Find out what signs or behaviors to watch for and how you can help your children in these cases; especially if the change in conduct or behavior is related to their parents' or own legal situation. You can check with your children's school to see if the school personnel too have noticed these changes.
- **Special Needs and Situations:** In thinking about creating a Family Emergency Plan, consider the physical and mental condition of your children. Be sure to include information about special services, treatment, or medical care your children need or are receiving.
- **Other considerations:** Add to your Family Emergency Plan any other information that is important to you and your family.



2.11 Reunification plan

We usually talk about family reunification when a person has been deported and wants to reunite with the children outside the United States. In these cases, it is important to consult and obtain legal advice with attorneys and government agencies (in both countries) that can help you understand the proceedings and the processing of necessary documents to avoid problems.

- *The following are questions to consider:*
 1. *What procedures and documents authorize the selected caregiver to travel with my children outside the United States, regardless if the children are citizens or not?*
 2. *How does it benefit children to have dual citizenship with the parents' country of origin?*
 3. *Is the authorization of both parents required to carry out legal procedures or for travel outside the country with the children?*

Take into consideration:

- Talk to the consulate of your country of origin to request information on what documents are needed for the children in case of deportation and family reunification outside of the United States.
- Ask the consulate about reintegration programs for migrants deported to their countries of origin.



2.12 Finances and savings accounts

Many banks in the United States offer free financial counseling and services to help you understand how to use your money and bank accounts with ease in and out of the country. Make sure you understand the following well:

1. *What types of accounts do I have?*
2. *Can I access or use my bank account outside of the United States?*
3. *What documents do I need?*
4. *How can I close a bank account from outside the country?*
5. *Can I add another person to the account?*

6. *What if there is another person on the account and I am unavailable?*
7. *Can I establish an account in the name of my children?*
8. *What happens to that account and money if I am not around?*

2.13 Personal assets

It is always good to know and understand what happens with our personal assets when we are not available to make decisions. Here is a list of questions and information you might consider when protecting your assets:

1. *Are my assets paid for or are payments being made?*
2. *Have I spoken with the bank, car dealer, or lender about what would happen if there is a late payment? Or if I can't /don't want to keep paying the debt?*
3. *What options do they offer?*
4. *Which option is best for me?*
5. *Is there someone trustworthy that I can turn to if I am unavailable to make decisions about my personal assets?*
6. *Have I spoken to that person already?*
7. *Do I need a power of attorney to have procedures done on my behalf?*
8. *How do I do this? In which cases is power of attorney valid?*

Most people don't think about what would happen to their personal assets in the event of an absence. That is why it is a good idea to not only ask yourself the questions provided above, but also to consider:

- Contacting the agencies with which you are in debt and discuss your options.
- Meet with a financial advisor to set short and long-term goals.
- Have a plan of action in case of an absence and know who will oversee helping you.

2.14 Group Conversation Closure

The goal or objective of this Group Conversation is to provide information so that you can navigate with ease complicated proceedings that are emotionally difficult and complex to understand. We hope this information serves you as a guide when making decisions to ensure the well-being of your family. We want to share detailed information in the simplest way to facilitate processes that are new and possibly strange to the immigrant community living in the United States. The following section offers details about the next steps in the creation of a Family Safety Plan.

Section 3

LCYC - Immigrant Plan for the Safety of Youth and Children



3.1 Topics and content

After having participated in the Group Conversation, families have the option to participate in one of the workshops offered in the community to complete the LCYC “Packet” or use the contents of the “Packet” individually to create their own Family Emergency Plan with the assistance of other legal resources available in the community. The LCYC “Packet” is a collective community resource which includes topics of interest, forms, documents, and information to help parents facing detention or deportation organize a Family Emergency Plan for their children (regardless if the children are US citizens or not).



Guide for the Creation of a Family Emergency Plan Using the LCYC – “Packet”

The LCYC “Packet” lays out a list of topics of interest, forms, documents, and information you may need to process paperwork and make decisions about your Family Emergency Plan. See list below:

- Father/mother/guardian’s legal name
- Children’s legal name
- Family’s current address and phone number
- Divorced parents: children custody information
- Children schools name and address
- Emergency contact list from children’s schools
- Copy of 504 Plan, if applicable
- Medical records and vaccination card for each child
- Information and instructions for medical conditions or special needs of the children
- Original birth certificates
- Social security numbers (parents and children)
- US Permanent Resident Card (A#)

- Copies of identifications
- Passports (or documents regarding a dual citizenship, if applicable)
- Means of communication: list of Emails, Facebook, other, etc. for each family member (if applicable)
- Information about the person or persons assigned the care of your children:
 - Legal name
 - Current address
 - Current phone number
 - *Identification
 - Means of communication: E-mail, Facebook, other, etc.

*it is always recommended to consult an attorney before providing personal identification information and documents.
- List of contacts/relatives abroad (name, country, address, telephone number, E-mail, etc.).
- Whenever possible, include information about your immigration case. If you are waiting for a deportation decision, or in case you are detained, provide your attorney's information or information of legal services you hired (if available) and the best way your family can communicate with you in case of detention. Example: Tacoma Detention Center: <https://www.ice.gov/detention-facility/tacoma-northwest-detención-center>

1. **Need legal advice:** If at any time you need to consult legal experts, this section will provide you with information.
2. **Choosing a caregiver for your children:** This section provides information on what to consider when choosing a caregiver for your children.
3. **How to talk to the person selected to care for your child:** The LCYC Packet has a section that provides ideas of what to say and consider when speaking with the person you choose and assign for temporary care of your children.
4. **School/childcare contact information:** Schools/daycare centers ask for emergency contact information and it is important to keep those contacts current and up to date.

- 5. Children's school/academic records:** There are several documents that your children's schools have that can help you with your Family Emergency Plan. The LCYC Packet has a section that provides you with information about these documents.
- 6. Children's immunization records:** It is important to keep up-to-date documentation of your children's immunizations. This information helps as medical evidence and it can also be used for school enrollment in other countries.
- 7. Information about your country of origin's consulate:** There are consulates from several countries in Seattle that help you carry out procedures from abroad. There you can request passports, birth certificates, and other important documents.
- 8. How to know if you are detained:** This section provides detailed information on what happens when a person is detained and how to find out where the detained person is located.
- 9. Form of option to take the children in case of deportation:** We explain what happens and your options as a parent in case of deportation. As a parent are you able to take your child with you?

10. Parental Intent for the Care of a Minor: This section details the steps to take regarding the "Intention of Parents for Care for Minor Child." The LCYC Packet contains a section and form that explains how the person responsible for your children is given temporary legal rights (for health, education and travel).

- **Form included in the packet:** Intention of Parents for Care for Minor Child
- **Form included in the packet:** Temporary Parental Consent Agreement

11. Frequently asked questions: Questions and answers to some of the questions you may have regarding the process, procedures and validity of the forms based on the circumstances of each family.

12. Birth Certificates/Washington State Birth Certificate: The LCYC Packet has a detailed section on the importance of having the originals as well as copies of the birth certificates of each child in your family. It provides information on how to obtain these documents by mail, in person, online, or by phone.

- **Form included in the packet:** Washington State Department of Health Birth/Death Certificate Mail Order Form

13. Birth certificates from other countries: The LCYC Packet has a section that provides information and resources on obtaining birth certificates for persons not born in the United States.

14. Social security cards: The LCYC Packet has a section that details the importance of having a social security card (for people who are citizens or legal residents of the United States) and identification cards (identity of the child and parents). It provides information and resources for applying for a Social Security card in the United States.

- **Form included in the packet:** Social Security Administration - Application for Social Security Card

15. Passports: The LCYC Packet has a section that provides information and resources on how to obtain passports for minors and adults. It includes information on passports from the United States, El Salvador, Guatemala, Honduras, and Mexico.

- **Form included in the packet:** Application for U.S. Passport-Form

16. Other resources: The LCYC Packet has a section that lists different resources available online that can help you access information related to immigration issues.

Section 4

4.1 Notes and questions

Resources: It is recommended that the facilitator put together and share a list of local resources and in formats complimentary to the Orientation Guide (these resources should be accessible and within the means of those who will use them).

Notes: When the facilitator does not know or is not sure of an answer; it is okay to say, "I don't know, I'm not sure ... I will look into that (answer) and then contact you to share the information."

Throughout the Group Conversation, make a list of questions and take notes on the sections of this Orientation Guide that are important to you or on which you need more information. After the Group Conversation, you can follow up and contact the people who requested additional information.

4.2 Orientation Guide Evaluation (example)

At the end of the Group Conversation it is important to evaluate the value of the process. Here are basic questions that can be used as examples when doing an evaluation:

1. What helped you the most about the Orientation Guide?
2. What was the least helpful to you about the Orientation Guide?
3. What was missing?
4. What changes can be made?
5. Other comments:

4.3 Attachments

- LCYC Workshop Calendar (King County WA: Workshops provided by ELAP: <https://www.elap.org/services/resources/>
Orientation Guide Evaluation (Sample questions on the previous page)
- Copies of the LCYC (Legal Counsel for Youth and Children) Plan - Immigrant Safety Plan for Youth and Children or in Spanish, *Plan de Inmigrantes para la Seguridad de Jóvenes y Niños* (Copy available at: <https://www.elap.org/services/resources/>).
- Orientation Guide References

4.4 Acknowledgements

Our deepest gratitude to all the parents, friends and neighbors of the immigrant community of **King County - Eastside** and neighboring cities (WA), who by sharing their experiences and incredible stories inspired the creation and development of this Orientation Guide.

Also, thank you to Debbie Lacy for her valuable work and tireless advocacy for migrant families. To the **Eastside Legal Assistance Program** (ELAP) team for their support of the community, as well as the **WA Community Navigators and Promoters (Promotores y Navegadores Comunitarios)** who reviewed and provided valuable recommendations for the creation of this resource.

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Learn/Share/Network/Transform

Eastside Safe Haven

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Note: This is considered a "living" document which, and upon the recommendation of the families, must be reviewed and updated regularly to include changes that may occur in the laws that impact the recommendations contained in this guide and in accordance with emerging needs of the community.

