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**ROB BONTA***Attorney General*

Attorney General Bonta Issues Guidance on Educational Rights of Immigrant Students and Their Families

Press Release / *Attorney General Bonta Issues Guidance on Educational Rights...*

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Holds third regional convening on immigrant rights in Sacramento

SACRAMENTO – California Attorney General Rob Bonta today issued two sets of guidance to ensure the educational rights of immigrant students and their families. The first guidance advises immigrant students and their families of their educational rights and protections under the law, including the right to receive a free public education and the right to confidentiality of their personal information. The second provides guidance to assist school officials in complying with state law limiting state and local participation in immigration enforcement activities. This includes guidance relating to information requests regarding immigration status, a warrant or court order regarding immigration enforcement, and immigration agents requesting access to school grounds. The guidances builds on the Attorney General's ongoing efforts to inform California immigrants of their rights under the law and to help public institutions to revise their

policies and procedures in order to comply with state law. As part of this work, Attorney General Bonta today also held the third in a series of five regional convenings with immigrant rights groups, elected officials, and others in Sacramento.

“Every child has the right to a free public education, regardless of their immigration status,” **said Attorney General Bonta**. “I know there is a lot of fear and anxiety around the incoming administration’s anticipated changes to immigration policy, and I want to make sure students, their parents, and their teachers and school administrators are prepared. These new guidances highlight the educational rights of California students and the responsibility their schools have under state law to protect the rights and safety of all students in the state. My office is continuing to hear from immigrants’ rights groups on the ground through our regional convenings across the state, and we will continue to serve and support California’s immigrant communities through the challenges ahead.”

Guidance for Immigrant Students and Families

- **Right to a Free Public Education:** All children have a right to equal access to free public education, regardless of their or their parents’/guardians’ immigration status.
- **Information Required for School Enrollment:** Schools must accept a variety of documents from the student’s parent or guardian to demonstrate proof of child’s age or residency and schools are not required to keep a copy of the document used as proof of a child’s age.
- **Confidentiality of Personal Information:** Federal and state laws protect student education records and personal information. These laws generally require that schools obtain written consent from parents or guardians before releasing student information, unless the release of information is for educational purposes, is already public, or is in response to a court order or subpoena.

The complete Guide for Students and Families is available in English and Spanish at oag.ca.gov/immigrant/resources. Additional languages will be available in the coming days.

The complete Quick Reference for School Officials guide is available in English and Spanish at oag.ca.gov/immigrant/resources. Additional languages will be available in the coming days.

*****Previously Issued Guidance*****

Know Your Immigration Rights and Protections Under the Law

- **You have the right to apply for and secure housing without sharing your immigration status.** California law prohibits housing providers from asking about your immigration status unless you are applying for affordable housing funded by the federal government. Additionally, housing providers cannot harass or intimidate you by threatening or sharing information about your immigration status to ICE, law enforcement, or other government agencies.
- **You have the right to access emergency medical care.** Federal laws and regulations ensure the rights of all people to access emergency medical care, including undocumented immigrants.
- **You have the right to an attorney.** If you are arrested by police, you have the right to a government-appointed attorney. If you are detained by ICE and/or are facing immigration proceedings, you have the right to seek legal assistance through an attorney.
- **State and local law enforcement cannot ask for your immigration status.** California law expressly prohibits law enforcement from inquiring about a person's immigration status for immigration enforcement purposes.
- **State and local law enforcement cannot share your personal information.** This includes sharing your home or work address for immigration purposes, unless that information is available to the public or unless that information involves previous criminal arrest, convictions or similar criminal history.
- **State and local law enforcement cannot assist ICE with immigration enforcement, with very limited exceptions.** This means they cannot investigate, cannot interrogate, cannot arrest, and cannot detain you unless it is

as part of joint federal task force where the primary purpose is not immigration enforcement.

The full “Know Your Immigration Rights” consumer alert is available in English, Spanish, Chinese, Korean, Tagalog, and Vietnamese at oag.ca.gov/immigrant/resources.

Protect Yourself from Immigration Scams

If you need help applying for immigration relief, be careful who you hire. Watch out for immigration scams that can cost you thousands of dollars and/or harm your immigration status! Here are some tips and resources to help:

- **Go to a legitimate legal aid organization for free legal help.** Many nonprofit organizations provide free immigration help to low-income individuals, such as those found through the resources below. To find a legal aid organization near you, go to lawhelpca.org.
- **Keep your original documents in a safe place.** Don't give your original documents to anyone unless you see proof that the government requires the original document. If you give someone an original, they may lose it or refuse to return it unless you pay them.
- **Do not hire an immigration consultant or a notary.** Only lawyers, accredited representatives, and recognized organizations can give you legal advice or represent you in immigration court. Immigration consultants – who may call themselves immigration experts, notarios, notaries public, or paralegals – cannot do so.
- **Do not give money or personal information to anyone who calls, texts, or emails you claiming that there is a problem with your immigration matter.** No federal or state agency, including USCIS, will ever ask for your personal information or payment over the phone, by email, or text.

For more dos and don'ts, see the full “Protect Yourself from Immigration Scams” consumer alert available in English, Spanish, Chinese (Simplified), Korean, Tagalog, and Vietnamese at oag.ca.gov/immigrant/resources.

Guidance and Model Policies for Public institutions

In December 2024, Attorney General Bonta issued updated guidance to help staff develop practical plans to protect the rights of immigrants and their families to safely access public institutions by limiting support of immigration enforcement activity at these institutions. While the guidance is tailored to certain types of public institutions, any institution that is accessible to the public may choose to adopt a similar policy to protect the rights and safety of their patrons.

- Guidance and Model Policies to Assist California's Superior Courts
- Guidance and Model Policies to Assist California's Healthcare Facilities
- Guidance and Model Policies to Assist California's Colleges and Universities
- Guidance and Model Policies to Assist California's K-12 Schools
- Guidance and Model Policies to Assist the Division of Labor Standards Enforcement, the Agricultural Labor Relations Board, and the Division of Workers Compensation
- Guidance and Model Policies to Assist California's Public Libraries
- Guidance and Model Policies to Assist California Shelters

Access Free and Low-Cost Legal Assistance

Visit [Law Help CA](#) or [Immigration Law Help](#) to find immigration assistance near you.

File a Complaint

If you believe your rights have been violated, report it to the California Department of Justice at oag.ca.gov/report.

If you believe you were subject to discrimination, harassment or retaliation, report it to the California Civil Rights Department at civildrights.ca.gov/complaintprocess/.

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