

Resources for Immigrant Caregivers

If you are an immigrant caregiver (including a parent, a legal guardian, a legal custodian, or other relative) who is worried that you may be separated from your child because of immigration enforcement, you can get help to plan for the future by:

- Contacting a free and trusted **legal services provider** for advice and information.
- Choosing a **standby guardian**, also known as a “backup” caregiver, in case you are unable to take care of your child.
- Choosing an **emergency contact** and memorizing their phone number. This should be someone you trust, including someone like your lawyer.
- Updating **emergency contact** information at your child’s school.

For free and confidential immigration legal help, including help to designate a standby guardian, immigrant New Yorkers can call ActionNYC at 1-800-354-0365 between 9AM – 6PM, Monday – Friday, or call 311 and say “ActionNYC.” BEWARE of immigration service providers who take advantage of their customers. Get help only from a trusted, licensed attorney or accredited representative.



FAQs

What is a standby guardian?

A “standby guardian” is a person who acts as a “backup” caregiver in case the primary caregiver is unable to take care of the child because they are arrested or detained by immigration authorities or deported.

Does choosing a standby guardian affect my parental rights?

No. Choosing a standby guardian is not the same as giving up parental rights. Standby guardianship only goes into effect if a parent is separated from their child.

What powers do standby guardians have? Why should I choose one?

Standby guardians have the power to make important decisions for a child in their care, including major medical decisions and decisions about where the child goes to school. Choosing a standby guardian is optional, and will not affect your parental rights.

A standby guardian provides you with a plan for your child in the case that you are arrested, detained, or deported by immigration enforcement. Choosing a standby guardian will help make sure that your child is safe and that the person taking care of them has all the power they need to make the right decisions for the child.

If you are not comfortable choosing a standby guardian, there are other legal options you can consider to make sure your child is safe in case of immigration enforcement. Talk to a trusted, licensed attorney or accredited representative to learn more.

What happens if I don't choose a standby guardian and I am arrested, detained, or deported?

Generally speaking, your child would be placed with someone you trust and your child can live with, and not placed in foster care.

However, if that person is not a standby guardian, their power to make important decisions for the child, including medical decisions, will be limited.

Who should I choose to be my standby guardian?

You should choose someone you trust to take care of your child.

There are no immigration status requirements to be a standby guardian. However, there are other specific requirements, so interested caregivers should consult with a lawyer to discuss who they should choose to be the standby guardian for their child.

Are there other legal options for choosing who will care for my child?

Immigrant caregivers may have additional options to help plan for the future, and should consult with a lawyer to discuss further.

