

**Testimony in SUPPORT of HB 1870 HD 1
HB 1870 HD 1 – Relating to Protected Community Locations**

Hawai'i House Committee on Judiciary & Hawaiian Affairs

Friday, February 13, 2026

Dear Honorable Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

The Center for Law and Social Policy (CLASP) is submitting this testimony in support of HB 1870 HD 1, which establishes statewide standards for state and county agencies, officers, employees, contractors, and recipients of state funds to limit participation in civil immigration enforcement in or near protected community locations. The bill also requires all state and county agencies that operate protected community locations to adopt and post written policies, provide annual staff training, and maintain data privacy protections. CLASP is pleased to see the Hawai'i House of Representatives undertake such critical action to protect children in immigrant families, including the more than 1 in 4 children in Hawai'i who live with at least one immigrant parent,¹ at a time of heightened immigration enforcement and instability. With the rescission of the former Department of Homeland Security (DHS) Protected Areas Guidance, immigrant families are living with uncertainty and fear that have made them hesitant to seek out medical attention and other critical services, drop off their children at school, and carry out everyday activities.

Established in 1969, CLASP is a national, non-partisan, non-profit, anti-poverty organization that advances policy solutions for people with low incomes. Our testimony draws upon the work of CLASP experts in the areas of immigration, anti-poverty, and child development policies. As a national anti-poverty organization, we bring a deep commitment to families living with low incomes and knowledge of the challenges that they experience, including the importance of federal programs that support their health and economic well-being. At CLASP, we also have deep expertise in policies that support children's healthy development, such as promoting access to good nutrition, high quality health care, and education, a healthy living environment, and stable, nurturing caregivers. We recognize that harsh immigration policies, such as increased immigration enforcement and the rescission of the federal protected areas policy, undermine these very foundations.

Without the federal protected areas policy in place, immigration agents have been and will continue to carry out enforcement actions without regard to the safety and well-being of children, which our own research has shown can result in arrests near child care programs and schools. As Immigration and Customs Enforcement (ICE) presence near such locations become

¹ The Urban Institute. Data from the Integrated Public Use Microdata Series datasets drawn from the American Community Survey.

more common, the likelihood also increases that children could witness a parent's detention, arrest, or other encounters with ICE agents.² Research shows that children who witness their parents' arrest are more likely to suffer severe impacts on their mental and physical health, negatively impacting their long-term development.³

Without this federal guidance in place, service providers are also left with confusion and uncertainty as to how to best protect the children and families they serve and what rights they have as providers. During the first Trump Administration, these providers reported being overwhelmed by the impact of anti-immigration rhetoric, the constant change in immigration policies, and heightened stress.⁴ Those who themselves are immigrants, such as the 1 in 5 nationwide early care and education providers, may also have additional concerns about their own families' well-being.

Ending the protected areas policy also has a destabilizing effect on entire communities. Children who witness threats to their classmates, parents, teachers, and care providers may not be able to thrive and meet developmental milestones. Many places that families and children rely on for community and friendship, such as schools, Head Start centers, and child care programs, could suddenly become targets, leaving the community as a whole traumatized and paralyzed by the threats of immigration enforcement. Compromising access to these supports in the midst of an onslaught of other immigration policies serves to only further undermine the safety and well-being of immigrant families and communities. And when some of us are not comfortable seeking out health care, we all are less healthy.

Background and History of the Protected Areas Policy

In 1993, under the Clinton Administration, Immigration and Naturalization Service issued a memo restricting immigration enforcement in institutions of education, places of worship, funerals, and other religious ceremonies.⁵ This initial memo served as the foundation for the protected areas policy, also referred to as sensitive locations, for over 30 years, which has had consistent bipartisan support across Presidential Administrations. In 2008, under the Bush Administration, ICE released additional field guidance that reaffirmed the 1993 memo.

² Cervantes, Wendy, Rebecca Ullrich, and Hannah Matthews. 2018. "Our Children's Fear: Immigration Policy's Effects on Young Children." CLASP. March 1, 2018.

<https://www.clasp.org/publications/report/brief/our-childrens-fear-immigration-policys-effects-young-children-2/>.

³ Chaudry, Ajay, Randolph Capps, Juan Pedroza, Rosa Maria Castaneda, Robert Santos, and Molly M. Scott. 2010. "Facing Our Future." Urban Institute. February 2, 2010.

<https://www.urban.org/research/publication/facing-our-future>.; Center on Developing Child. 2007. "InBrief: The Impact of Early Adversity on Children's Development." Center on the Developing Child at Harvard University. May 20, 2007.

<https://developingchild.harvard.edu/resources/inbrief/inbrief-the-impact-of-early-adversity-on-childrens-development>.

⁴ Matthews, Hannah, Rebecca Ullrich, and Wendy Cervantes. 2018. "Immigration Policy's Harmful Impacts on Early Care and Education." CLASP. March 1, 2018.

<https://www.clasp.org/publications/report/brief/immigration-policy-s-harmful-impacts-early-care-and-education/>.

⁵ Puleo, James A. 1993. "Enforcement Activities at Schools, Places of Worship, or at Funerals or Other Religious Ceremonies." Immigration and Naturalization Service.

<https://niwaplibrary.wcl.american.edu/wp-content/uploads/2015/IMM-Memo-SensLocationsEnforce.pdf>.

In 2011, the U.S. Department of Homeland Security (DHS), which oversees both ICE and Customs and Border Protection (CBP), established policies that restrict immigration enforcement actions in certain “sensitive locations.”⁶ These locations included places of worship, schools, health care facilities, and early childhood programs such as licensed child care, preschool, pre-kindergarten, and Head Start programs.

In October 2021, DHS announced a new “protected areas” policy that replaced the 2011 policy with stronger parameters.⁷ To clarify the policy, it included locations that were outlined in the previous policy but also added more locations, such as those providing social services and places where children gather, like playgrounds, and improved implementation. The 2021 policy also had the goal of restricting immigration enforcement actions at or near “protected areas” and went further, explicitly stating that, except in limited circumstances, immigration agents could not conduct arrests, apprehensions, or other enforcement actions in or near these locations. The policy also advised against enforcement actions near a “protected area” and advised the use of judgment as to whether such an action would “restrain people from accessing the area.”

On January 20, 2025, the Trump Administration rescinded the Biden Administration’s guidelines for ICE and CBP enforcement actions in certain “protected areas,” recommending that agents use “common sense.”⁸ On January 31st, additional guidance from DHS was issued stating that Assistant Field Office Directors and Assistant Special Agents in Charge are able to provide prior authorization for enforcement actions on a case-by-case basis in or near sensitive locations “either verbally or in writing.” Unfortunately, this guidance lacks clear guardrails to ensure that local field offices are consistently implementing the policy so as to mitigate the chilling effect and potential harm to communities.

Impact of Immigration Raids on Children

The Trump Administration’s reckless and indiscriminate immigration enforcement has resulted in an increasing number of incidents in protected areas. In just the first few weeks of 2026, the Trump Administration has continued to disregard longstanding protections for protected areas.

⁶ Morton, John. 2011. Review of Enforcement Actions at or Focused on Sensitive Locations. U.S. Immigration and Customs Enforcement. October 24, 2011. <https://www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf>.

⁷ Mayorkas, Alejandro N. 2021. “Guidelines for Enforcement Actions in or near Protected Areas.” Washington, DC: U.S. Department of Homeland Security. https://www.dhs.gov/sites/default/files/publications/21_1027_opa_guidelines-enforcement-actions-in-near-protected-areas.pdf.

⁸ Department of Homeland Security. 2025. “Statement from a DHS Spokesperson on Directives Expanding Law Enforcement and Ending the Abuse of Humanitarian Parole.” U.S. Department of Homeland Security. January 21, 2025. <https://www.dhs.gov/news/2025/01/21/statement-dhs-spokesperson-directives-expanding-law-enforcement-and-ending-abuse>.

Schools in cities across the country have gone into lockdown⁹ because of the presence of immigration agents, with the trauma extending beyond children¹⁰ in immigrant families to all children in these communities. There are regular reports of ICE and CBP presence in protected areas. For example, immigration officers detained a family, including a seven-year-old,¹¹ outside a hospital where the family had gone to get emergency care for the child. And they intimidated community members outside of a church,¹² and ultimately deported a church worker.

The Trump Administration's increasingly violent and indiscriminate immigration enforcement in and around protected areas casts a cloud of uncertainty and danger over common activities that affect immigrant families' ability to live their lives. This phenomenon restricting daily life, commonly referred to as the "chilling effect," causes families to avoid seeking out basic necessities, from medical care to social services.¹³ When immigration agents have the ability to show up at early education centers, healthcare facilities, playgrounds, schools, and places of worship, mixed-status families with children will not seek services in these places as often or stop going to these critical places altogether. Many providers and advocates are already reporting on this chilling effect and its impact on school attendance and academic achievement, child care attendance and participation, and delivery of timely health care.¹⁴

Early Care and Educational Impacts

The prospect of immigration enforcement authorities in schools and child care centers threaten the safety of both people who work to educate and care for children as well as children and their families. Overall, more than 1 in 8 workers in the U.S. education sector is an immigrant, or over 2.1 million people, and nearly 1 in 5 child care workers is foreign-born.¹⁵ CLASP led a six-state

⁹ "Minneapolis schools cancel classes after Border Patrol clash disrupts dismissal at Roosevelt" MPR News, January 8, 2026

<https://www.mprnews.org/story/2026/01/08/after-border-patrol-clash-at-roosevelt-minneapolis-schools-cancel-classes>.

¹⁰ "How ICE Raids are Affecting Children – And What Schools Can Do" Greater Good Magazine, February 4, 2026, https://greatergood.berkeley.edu/article/item/how_ice_raids_are_affecting_children_and_what_schools_can_do.

¹¹ "ICE detains family seeking emergency care for child at Portland hospital" OregonLive, January 23, 2026, <https://www.oregonlive.com/portland/2026/01/ice-detains-family-seeking-emergency-care-for-child-at-portland-hospital.html>.

¹² "ICE deported Minnesota church employee, surveilled parish during MAss, mayor says" EWTN News, January 9, 2026, <https://www.ewtnnews.com/world/us/minnesota-ice-catholic-church?redirectedfrom=cna>.

¹³ Xu, Qingwen, and Kalina Brabeck. 2012. "Service Utilization for Latino Children in Mixed-Status Families." *Social Work Research* 36 (3): 209–21. <https://doi.org/10.2307/42659834>; Heinrich, Carolyn, Mónica Hernández, and Mason Shero. 2022. "Repercussions of a Raid: Health and Education Outcomes of Children Entangled in Immigration Enforcement." *Journal of Policy Analysis and Management* 42 (2). <https://doi.org/10.1002/pam.22443>.

¹⁴ Riddell, Roger. 2025. "Denver Public Schools Sues over Trump Policy Allowing On-Campus ICE Raids." *K-12 Dive*. February 14, 2025.

<https://www.k12dive.com/news/denver-public-schools-sues-over-trump-immigration-policy/740145/>; Mader, Jackie. 2025. "Parents Pull Kids from Childcare as Immigration Fears Hit US's Youngest." *The Guardian*. February 7, 2025.

<https://www.theguardian.com/us-news/2025/feb/07/us-immigration-childcare-workers>; Schorsch, Kristen. 2025.

"Fearful amid ICE Crackdowns, Some Immigrants Are Skipping Health Care." *Transcript*. NPR. NPR.

<https://www.npr.org/transcripts/nx-s1-5290063>.

¹⁵ New American Economy. 2021. "Immigrants and the U.S. Educational System." *New American Economy Research Fund*. August 16, 2021. <https://research.newamericaneconomy.org/report/immigrants-america-educational-system/>;

Ali, Umair, Jessica H Brown, and Chris M Herbst. 2024. "Secure Communities as Immigration Enforcement: How

study during the first Trump Administration interviewing child care and early education teachers, among other providers, that found that these providers were struggling to support children and families who were under additional stress, including some who had experienced the detention or deportation of a parent.¹⁶ Workers reported anxiety about increased incidents of racism and xenophobia and were additionally concerned about the legal status of their own family members and friends. They were required to navigate complex immigration policies, provide mental health support to children, and inform parents about resources, all with limited time and money while still trying to do the day-to-day work of caring for and educating young children. The threat of immigration enforcement puts undue burden on those who work and care for all our nation's children. In interviews with providers over the past year, CLASP has found that ICE's increased presence near child care centers has led to disruptions in service and increased uncertainty over how to best protect children, families, and staff in an environment where agents are increasingly carrying out raids with limited regards to minimizing harm to children and bystanders.

Immigration enforcement impacts the child care industry as a whole. Studies have found that increased immigration enforcement reduces children's participation in Head Start, center-based child care programs, lowers the supply and wages of immigrant and native workers in the center-based sector, and reduces the number of center-based facilities overall.¹⁷ The decrease in center-based child care availability and participation means more children are pushed to lower-quality child care settings, which may slow their cognitive and developmental progress.¹⁸ In essence, increased immigration enforcement can further destabilize an already precarious industry, threatening child care supply and increasing costs for all parents.

Additionally, there is robust evidence that heightened immigration enforcement results in decreases in K-12 school enrollment among Hispanic children and harms academic performance and engagement among minority students.¹⁹ Following the 2019 Mississippi

Secure Is the Child Care Market?" *Journal of Public Economics* 233 (April): 105101–1.

<https://doi.org/10.1016/j.jpubeco.2024.105101>.

¹⁶ Matthews, Hannah, Rebecca Ullrich, and Wendy Cervantes. 2018. "Immigration Policy's Harmful Impacts on Early Care and Education." CLASP. March 2018.

<https://www.clasp.org/publications/report/brief/immigration-policy-s-harmful-impacts-early-care-and-education/>;

Cervantes, Wendy, Rebecca Ullrich, and Hannah Matthews. 2018. "Our Children's Fear."

¹⁷ Ali, Umair, Jessica H Brown, and Chris M Herbst. 2024. "Secure Communities as Immigration Enforcement: How Secure Is the Child Care Market?" *Journal of Public Economics* 233 (April): 105101–1.

<https://doi.org/10.1016/j.jpubeco.2024.105101>.; Cervantes, Wendy, Rebecca Ullrich, and Hannah Matthews. 2018.

"Our Children's Fear."; Children Thrive Action Network. 2021. "Research Brief: How a Pathway to Citizenship Can Help Children Thrive - Children Thrive Action Network." Children Thrive Action Network. October 28, 2021.

<https://childrethrivethriveaction.org/2021/10/research-brief-how-a-pathway-to-citizenship-can-help-children-thrive/>.

¹⁸ Ali, Umair, Jessica H Brown, and Chris M Herbst. 2024. "Secure Communities as Immigration Enforcement: How Secure Is the Child Care Market?"

¹⁹ Dee, Thomas S., and Mark Murphy. 2018. "How Strict Immigration Enforcement Harms Schoolchildren." Stanford Institute for Economic Policy Research (SIEPR). Stanford University. October 2018.

<https://siepr.stanford.edu/publications/policy-brief/how-strict-immigration-enforcement-harms-schoolchildren>.; Ee,

Jongyeon, and Patricia Gándara. 2020. "The Impact of Immigration Enforcement on the Nation's Schools." *American Educational Research Journal* 57 (2): 000283121986299. <https://doi.org/10.3102/0002831219862998>.; Bellows,

worksite raid, children were absent from schools for several days, with some families hiding in their homes for weeks with curtains pulled over their windows.²⁰ Providers in K-12 settings have reported that Latino students directly expressed fear and concern over immigration enforcement, negatively affecting their academic performance.²¹ In a survey of educators during the first Trump Administration, one high school administrator said that children in immigrant families “are not thinking about college, or the test next week, or what is being taught in the classroom today. They are thinking about their family and whether they will still be a family; whether their family will remain intact.”²² Moreover, immigration enforcement impacts all students, not just those in immigrant families; researchers have found that absences affect overall school achievement scores and school funding, resulting in a “vicious cycle of underachievement.”²³

Health Impacts

Even when the protected areas policy was in place, there were instances of ICE detaining immigrants visiting loved ones at hospitals or at a bus stop outside a hospital.²⁴ These actions serve to spread fear among immigrant families and prevent them from enrolling in health care programs.²⁵ As a result, immigrants and their children delay or avoid obtaining health care, which may exacerbate health conditions that could have been ameliorated or avoided altogether through preventive health care screenings. This results in increased complex health emergencies, increased emergency room visits, and increased societal costs for uncompensated care.²⁶ This reluctance to seek care also poses risks to public health should people not seek preventative care or treatment for communicable diseases.

Laura. 2021. “The Effect of Immigration Enforcement on School Engagement: Evidence from 287(G) Programs in North Carolina.” *AERA Open* 7 (1): 233285842110394. <https://doi.org/10.1177/23328584211039467>.

²⁰ Cervantes, Wendy, Rebecca Ullrich, and Vanessa Meraz. 2020. “The Day That ICE Came: How Worksite Raids Are Once Again Harming Children and Families.” CLASP. June 13, 2020. <https://www.clasp.org/publications/report/brief/day-ice-came-how-worksite-raids-are-once-again-harming-children-and/>.

²¹ Ruskin, Emily. 2020. “A Generation at Risk: The Impact of Immigration Enforcement on UnidosUS-Affiliated Classrooms and Educators.” UnidosUS. March 2020. <https://unidosus.org/publications/2024-a-generation-at-risk-the-impact-of-immigration-enforcement-on-unidosus-affiliated-classrooms-and-educators/>.

²² Ee, Jongyeon, and Patricia Gándara. 2020. “The Impact of Immigration Enforcement on the Nation’s Schools.” *American Educational Research Journal* 57 (2): 000283121986299. <https://doi.org/10.3102/0002831219862998>.

²³ Ee, Jongyeon, and Patricia Gándara. 2020. “The Impact of Immigration Enforcement on the Nation’s Schools.”

²⁴ Physicians for Human Rights. 2018. “Physicians for Human Rights Establishing Sanctuary Hospitals: Protecting the Right to Access Health Care Physicians for Human Rights Fact Sheet.”

<https://phr.org/wp-content/uploads/2019/09/PHR-Sanctuary-Hospitals-Fact-Sheet-FINAL.pdf>; Shepherd, Katie . 2017. “ICE Arrested an Undocumented Immigrant Just Outside a Portland Hospital.” *Willamette Week*. October 31, 2017. <https://www.wweek.com/news/courts/2017/10/31/ice-arrested-an-undocumented-immigrant-just-outside-a-portland-hospital/>.

²⁵ Watson, Tara. 2014. “Inside the Refrigerator: Immigration Enforcement and Chilling Effects in Medicaid Participation.” *American Economic Journal: Economic Policy* 6 (3): 313–38. <https://doi.org/10.1257/pol.6.3.313>.

²⁶ Mutanuka, Mambwe. 2020. “The Intersection of Health Policy and Immigration: Consequences of Immigrants’ Fear of Arrests in U.S. Hospitals.” *Annals Of Health Law Advance Directive* Vol 30 (1): 217-222.

<https://heinonline-org.prx.law.columbia.edu/HOL/Page?handle=hein.journals/anlsadced30&div=35&id=&page=&collection=journals>.

During site visits conducted by CLASP in 2017, parents were scared to take their children to doctors or clinics for critical health services. For example, parents in rural Pennsylvania shared their reluctance to take their children to the emergency room at night because it was known that ICE patrolled the highway to the nearest hospital.²⁷ One worksite raid in 2018 in Tennessee occurred at the same time as a community health event, which meant that Hispanic families too afraid to venture out of their homes missed out on vaccinations, basic health screenings, and information offered to community members attending the event. Many Hispanic families subsequently stopped attending other health-related appointments with their children altogether.²⁸ With immigration authorities having zero limitations on where they can apprehend and arrest people they suspect to be in the country illegally, the likelihood that children will become isolated from the larger community and miss critical health care milestones like vaccinations and well-child visits is amplified, threatening the immediate and long-term health of children, their families, and communities.²⁹ A similar study conducted by CLASP in six states in 2025 (reports forthcoming) found that unprecedented rates of detention and deportation and the purposely terrifying tactics being employed by ICE agents are leading to even more acute harms to children and families, immigrant and non-immigrant alike.

Child Mental Health Impacts

Numerous studies demonstrate the connection of both the threat of immigration enforcement as well as the detention and deportation of a family member to adverse mental health, behavioral problems, and health issues for children in immigrant families. CLASP's 2017 six-state study found that children as young as three years old were expressing fear about losing a parent to deportation and demonstrating those fears through words and troubling behaviors; one child was described as biting his fingertips to the point of bleeding.³⁰ Even children whose parents have lawful immigration status expressed fear and concern about parent separation, because they are too young to understand the nuances of immigration policy or may not be aware of their parents' status. Research consistently shows that hardship and distress in children's early years can particularly compromise their healthy development and growth in the short and long term.³¹

²⁷ Cervantes, Wendy, Rebecca Ullrich, and Hannah Matthews. 2018. "Our Children's Fear"

²⁸ Heinrich, Carolyn, Mónica Hernández, and Mason Shero. 2022. "Repercussions of a Raid: Health and Education Outcomes of Children Entangled in Immigration Enforcement." *Journal of Policy Analysis and Management* 42 (2). <https://doi.org/10.1002/pam.22443>.

²⁹ Cervantes, Wendy, Rebecca Ullrich, and Hannah Matthews. 2018. "Our Children's Fear"

³⁰ Cervantes, Wendy, Rebecca Ullrich, and Hannah Matthews. 2018. "Our Children's Fear"

³¹ National Scientific Council on the Developing Child. 2010. "Persistent Fear and Anxiety Can Affect Young Children." Center on the Developing Child at Harvard University. May 28, 2010.

<https://developingchild.harvard.edu/resources/working-paper/persistent-fear-and-anxiety-can-affect-young-childrens-learning-and-development/>; National Scientific Council on the Developing Child. 2007. "The Science of Early Childhood Development: Closing the Gap between What We Know and What We Do." *Developing Child*. 2007.

<https://developingchild.harvard.edu/resources/report/the-science-of-early-childhood-development-closing-the-gap-between-what-we-know-and-what-we-do/>; Shonkoff, Jack P., and Deborah A. Phillips. 2000. "From Neurons to Neighborhoods: The Science of Early Childhood Development." *PubMed*. 2000.

<https://pubmed.ncbi.nlm.nih.gov/25077268/>; Teicher, Martin H., Susan L. Andersen, Ann Polcari, Carl M. Anderson, Carryl P. Navalta, and Dennis M. Kim. 2003. "The Neurobiological Consequences of Early Stress and Childhood

The threats to children’s mental health have devastating consequences. News reports last year in Texas described the suicide of an 11-year-old child, due to bullying at school about her family’s immigration status, including threats from peers to call ICE on her family.³² Rumors about ICE coming to the school likely came after an email sent to parents that addressed President Trump’s new immigration policies, including the removal of the protected areas policy. Unfortunately, few mental health resources exist specifically for impacted children.

Conclusion

CLASP supports HB 1870 HD 1, which establishes statewide standards for state and county agencies, officers, employees, contractors, and recipients of state funds to limit participation in civil immigration enforcement in or near protected community locations and requires all state and county agencies that operate protected community locations to adopt and post written policies, provide annual staff training, and maintain data privacy protections. This bill could serve as a protective factor for children in immigrant families, including the more than 1 in 4 children in Hawai’i who live with at least one immigrant parent,³³ and mitigate the harms associated with immigration enforcement.

CLASP has worked for years to advocate for national, state, and local policies that ensure people are able to access the services they need to thrive. Heightened immigration enforcement efforts undermine access to critical programs, putting families' health and well-being at risk, including for U.S. citizen children in mixed-status families. In light of the Trump Administration’s action to rescind the protected areas policy at the federal level, we urge states and local governments to advance legislation and protected areas policies that limit immigration enforcement actions in these critical places, such as HB 1870 HD 1.

Please do not hesitate to contact Wendy Cervantes, director of immigration and immigrant families, at wcervantes@clasp.org if you have any questions or need any further information.

Maltreatment.” *Neuroscience & Biobehavioral Reviews* 27 (1-2): 33–44.

[https://doi.org/10.1016/s0149-7634\(03\)00007-1](https://doi.org/10.1016/s0149-7634(03)00007-1).

³² Killough, Ashley, and Ed Lavandera. 2025. “Chatter and Rumors about ICE Went on for Days at School of Texas Girl Who Died by Suicide.” CNN. February 21, 2025.

<https://www.cnn.com/2025/02/20/us/texas-ice-jocelynn-rojo-carranza/index.html>.

³³ The Urban Institute. Data from the Integrated Public Use Microdata Series datasets drawn from the American Community Survey.