Learning for Action Webinar
The Educational Rights of Immigrant Children
Moderator

Gisela Ariza | Policy Analyst | The Leadership Conference Education Fund
Wade Henderson
President & CEO
The Leadership Conference Education Fund
Agenda

• Background
• Know Your Rights
• Federal & Civil Rights Law
• Resources & Ideas for Action
Speakers

Opening Remarks:
Wade Henderson | President | The Leadership Conference Education Fund

Featured Speakers:
Gisela Ariza | Policy Analyst | The Leadership Conference Education Fund

Shiu-Ming Cheer | Senior Staff Attorney & Field Coordinator | National Immigration Law Center

Adam Fernandez | Legislative Staff Attorney | MALDEF

Anjali Thakur-Mittal | Deputy Director for Field Operations | The Leadership Conference Education Fund
Background and Know Your Rights

Shiu-Ming Cheer | Senior Staff Attorney & Field Coordinator | National Immigration Law Center
<table>
<thead>
<tr>
<th>Terms &amp; Definitions</th>
<th>Definition</th>
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<tr>
<td><strong>Asylees</strong></td>
<td>Person in the U.S who has received asylum (granted based on past persecution or fear of future persecution).</td>
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<td><strong>Refugees</strong></td>
<td>A person who has fled his/her country of origin because of past persecution or a fear of future persecution based upon race, religion, nationality, political opinion or membership of a particular group.</td>
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<td><strong>Immigrant Children</strong></td>
<td>Children whose birth country is not the United States, but currently live in the U.S.</td>
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<td><strong>Children of Unauthorized Parents</strong></td>
<td>U.S-born children with one or two parents who are unauthorized immigrants.</td>
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### Terms & Definitions Continued…

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<th><strong>Unaccompanied Minors</strong></th>
<th>• Children who come into the United States from other countries without an adult guardian.</th>
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<td><strong>Migrant Children</strong></td>
<td>• Means a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher.</td>
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<td><strong>English Learner</strong></td>
<td>• or ELLs, are students who are unable to communicate fluently or learn effectively in English, who often come from non-English-speaking homes and backgrounds, and who typically require specialized or modified instruction in both the English language and in their academic courses.</td>
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• Nationally, 4.8 million children enrolled in K-12 during the 2014-2015 school year were ELs, according to the most recent Department of Education data. The vast majority of ELs are U.S. born. (Migration Policy Institute).
Undocumented Youth

- Approximately 2.5 million undocumented youth live in the United States.
- Each year, 80,000 undocumented youth turn 18 years of age.
- Each year, 65,000 undocumented youth graduate from high school, of which only 5 to 10 percent enroll in college.
- Of these undocumented youth enrolled in college, only 1-3 percent graduate each year.
How is Deportation Triggered?

• Everyday locations
  – Workplaces
  – Home
  – Streets
  – Buses, Trains
• Upon being stopped by police
• Through the criminal justice system
• Trying to re-enter the country
• Applying for immigration benefits
What Does Deportation Look Like?

- Sometimes no hearing before a judge
- Fewer protections than criminal justice system
  - No right to court-appointed attorney
- Coercion by ICE to “agree” to deportation
- Few defenses in immigration court
- Permanent exile
Schools as Sensitive Locations

- 2011 ICE Memorandum
  - At schools, hospitals, places of worship, demonstrations there should be no ICE arrests, interviews, searches.
The Impact of Deportation on Children

• When parents are deported, entire families are affected. Children must either remain without parental support or leave with their parents to a foreign and unknown country. Either option is harmful to children.
  – The removal of parents can also force children to interrupt or curtail their education.
The Impact of Deportation on Children

• Research shows that children who have had a parent detained or deported experience:
  – Increased occurrences of PTSD;
  – The negative consequences of a sudden loss of parental income, such as housing and food insecurity; and
  – Increased risk of entering the child welfare system.
Recent Changes To Federal Immigration Policy

• Interior Enforcement Executive Order (Jan. 25)
  • Implementing Memo Issued Feb. 20
• Border Enforcement ("The Wall") EO (Jan. 25)
  • Implementing Memo Issued Feb. 20
• Muslim & Refugee Travel Ban (Jan. 27 & Mar. 6)
DACA & Education

• Over 700,000 people have received DACA
• 46% of respondents are currently in school.
  – 83% of them are also working.
• 21% of respondents work in educational and health services.
DACA & Education

Among those who are currently in school, 92% said that because of DACA, “I pursued educational opportunities that I previously could not.”

- These educational opportunities include:
  - Early childhood education, biochemistry, computer science, creative writing, graphic design, neuroscience, nursing, social work, and urban planning, among many others.
Future of DACA

• Trump has said that he intends to end the DACA program; we don’t know exactly if, when, or how he might do this.

• Concerns about the information that DACA applicants have submitted on their applications.

• DACAmented people would not necessarily be automatically at greater risk of being deported if the DACA program is terminated.
  – DACA recipients are considered “low priority”
  – DACA program has been high profile & successful
Know Your Rights

Individuals

What to do if you are questioned by the police or ICE

• Everyone who lives in the U.S has legal rights, regardless of immigration status.

• Report raids:
  – Call United We Dream’s hotline to report a raid: 1-844-363-1423.
  – Send text messages to 877877.
  – If it’s possible, take photos and videos, and also take notes of what happened during the raid.
Preparing For A Raid Or Arrest

Have an emergency plan:

• Phone numbers to call
• Lawyer’s name and number
• Someone to take care of your family
  – Esp. children & elderly
• List of medication
• Safe place at home where you keep important papers and contact information
Prepare A Community For A Raid Or Arrest

• Create a network of friends, family, neighbors, etc.
  – Phoenix, AZ: “barrio defense committees” created to be ready to protest or take action if someone was taken by ICE.

• Could include text tree, phone tree, noisemakers, banners, videographers, photographers, legal observers, etc.

• Develop a rapid response team
  – Including attorneys, communications people, and community leaders such as educators.
  – Ex: LA Raids Rapid Response Network
What Are The Federal Protections For Immigrant Children?

Adam Fernandez | Legislative Staff Attorney | MALDEF
Types of Federal Protections

- English learners
- Immigrants
- Racial justice
- Homeless and migrant children
- Educational privacy law
Right To An Education: English Learners


English learners have equal access to education.
Right To An Education:  
**Immigrant Students**


Immigrant children have equal access to K-12 education.
Plyler v. Doe: Immigrants Rights (Cont.)

The right to K-12 education for immigrant students, means states, school districts, and schools CANNOT, for any purpose, create a “chilling effect” which prevents immigrant students from attending school, including:

- **REQUIRING** a birth certificate, social security number, or a parent’s drivers license to enroll, or

- **ASKING** about a child or a parent’s immigration status.
Right To An Education:
Regardless of Race, Color, or National Origin

Title VI of the Civil Rights Act of 1964

No entity, including schools and school districts, that receives Federal funds can discriminate on the basis of race, color, or national origin.
Race, National Origin Discrimination (Cont.)

Under Title VI, every student – regardless of race, ethnicity, or national origin – has an equal right to a free public education, including the right to be free from discrimination, harassment, or bullying, that interferes with that right to an education.

• **Actual or Perceived:** This right applies, regardless of whether the discrimination, harassment, or bullying, is for a student’s actual or perceived race, ethnicity, or national origin.
• **National Origin:** Includes actual or perceived immigration status.
• **School employees, bullies, or others:** This right also applies if the perpetrator is a school employee, another student, or another adult. A school is in violation, if it fails to address discrimination, harassment, or bullying, that interferes with that right to an education.
Right To An Education: 
*Homeless and Migrant Students*

**McKinney-Vento Homeless Assistance Act**

Schools and districts must enroll homeless children – including migrant children – even if they lack normally required documents.
Homeless and Migrant Students (Cont.)

Homelessness is broadly defined in McKinney-Vento. Schools must enroll any child that lacks “fixed, regular, and adequate nighttime residence” even if they lack normally required documents.

- **Fixed**: Permanent or temporary? Staying with friends or relatives?
- **Regular**: Move around a lot? Stay in the same place every night
- **Adequate**: How many people are living in the home or sharing a bedroom? Is the child sleeping in a dining room? Does the home have heat, electricity, running water?

For more information, see:
National Law Center on Homelessness and Poverty,
Education Rights of Children and Youth in Homeless Situations.
Education and Data Privacy

Family Educational Rights and Privacy Act – FERPA

Schools and districts are prohibited from providing student information to anyone, including ICE, without parental consent.
What can you do if you suspect that a student’s rights have been violated?

Report the information to the following:

- MALDEF http://maldef.org/contact/
- NILC reply@nilc.org or cheer@nilc.org
- File a Complaint with the Department of Education, Office for Civil Rights
- To Submit A Complaint: https://ocrcas.ed.gov/cas.cfm
Resources & Ideas for Action

Anjali Thakur-Mittal | Deputy Director for Field Operations | The Leadership Conference Education Fund
Take Action

• Help raise awareness for the rights of immigrants in education
  – Share factsheets and information in person and online
• Contact your local and/or state board of education and urge them to issue a statement or resolution reaffirming the rights of immigrants in education.
• Ask your local school system to disseminate information about the rights of immigrants in education in language to all parents.
What Can Educators Do?

- Reaffirm your support for all students inclusive lesson plans
- School Board Activism
- Classroom Environment
- Sanctuary Petitions
AFT Resources

- Immigrant Youth Guide for Educators and School Support Staff to Protect Students from an ICE Raid
- DREAMers Welcome Immigration Poster
- Know Your Rights Factsheets (*English & Spanish*)
- Deportation Defense Guide (*English & Spanish*)
- Protecting our Students Fliers

*All resources can be found [here](#).*
NEA Resources

- Safe Zones
  - School Board Activism
  - Sample Resolutions
  - FAQs

- Know Your Rights Template PowerPoint Presentation

- DREAMERS Welcome Poster

- NEA Justice highlighting educator voices and activism on social justice

*All resources can be found here.*
NILC Resources

- **Know Your Rights**

- **Conozca sus Derechos** *(Spanish)*

- **Know Your Rights** *(Casa de Maryland)*

- **A Guide for Educators and School Support Staff**
MALDEF Resources

- Immigrants’ Rights Under a Trump Presidency: FAQs for Students, Educators & Social Service Providers (English) (Spanish)

- School Bullying and Harassment Based on Actual or Perceived Race, Ethnicity, National Origin, or Immigration Status FAQs for Students, Educators, and Social Service Providers (English) (Spanish)
Questions?

Please submit your questions in the chat bar on the right hand of the webinar presentation.
For Additional Information
Contact

- MALDEF: Adam Fernandez at afernandez@maldef.org
- NILC: Shiu-Ming Cheer at (213) 674-2833 or cheer@nilc.org
- The Leadership Conference Education Fund: Gisela Ariza at ariza@civilrights.org