Supporting Undocumented Students

Overview
There are many things that educational systems can do to create environments in which students can thrive socially, emotionally, and academically. Teachers, in particular, can create inclusive and safe learning environments for all students by incorporating lesson plans and classroom activities that are designed to cultivate empathy and trusting relationships, create a sense of belonging, and reduce discriminatory stereotypes and actions.

In early childhood education school
For the very young, schools and caregivers should focus on creating environments that are supportive and that allow students to connect meaningfully with teachers, staff, and other students. Sesame Street in Communities and First 5 CA have created a booklet for families: Care, Cope Connect, and Abriendo Puertas published a video that provides insights for parents about how to comfort a young child who faces bullying or potential family separation.

In elementary and middle school
Elementary and middle schools can affirm school support for immigrant families by engaging students and families in activities, lessons, and displays that reflect and celebrate diversity. Schools and districts can also provide families with easy-to-understand information about their rights and immigration legal services in their primary language, host family events and trainings with local nonprofit organizations, and ensure that teachers and other staff know about such resources (more info in next section).

In high school
High schools can create welcoming and inclusive environments through targeted lessons and leadership activities (Beyond Differences). Older students can be provided with tools to initiate at-home conversations about family preparedness planning in the event that they are impacted by immigration enforcement or deportation (see next section). Finally, students and parents in immigrant and refugee families should receive counseling support about preparing for college, financial aid, and career pathways.

Accompanying “best of” resources (1-3)
1. Teaching Tolerance
2. Colorin Colorado
3. Building Welcoming Schools Toolkit

Safety Planning for Immigrant Parents and Caregivers

Overview
In this current climate, communities are afraid and unsure of what the future holds. To help students and their families grapple with the stress that comes with this uncertainty, education
and preparation can be useful tools to empower immigrants and help them regain some sense of control. As trusted institutions in immigrant families’ lives, schools can play a critical role in ensuring that families have access to important information and resources, and that they are prepared for possible immigration arrests and/or detention. This Guidance for Schools from the Immigrant Legal Resource Center provides an excellent overview.

Effectively engaging immigrant families
Engaging immigrant families in a culturally sensitive manner can strengthen trusting relationships and enable educators to learn about parents’ and caregivers’ concerns and aspirations. Effective practices include establishing direct lines of communication with students and families in English and other languages; partnering with immigrant-serving community organizations to inform families about their rights and options; involving bilingual family resource center staff, family liaisons, and trained parent volunteers to engage and support families on a range of issues; and widely communicating all school and district policies and resolutions related to inclusivity, student safety, and records confidentiality.

Family preparedness plans
In general, families should be prepared and have a plan of care for their children in case of an emergency. These plans include identifying an alternative caregiver, gathering important documents, and updating emergency contact information at schools. Under the current administration and given the current climate, a family preparedness plan can help a family feel equipped to deal with a future emergency, such as immigration detention. A family preparedness plan is a useful tool that should be tailored to each family and their specific needs. However, if not presented correctly, these plans may be overwhelming and add to the stress already facing the community. The Immigrant Legal Resource Center (ILRC) has developed a comprehensive “Family Preparedness Plan” and an accompanying webinar for advocates explaining families’ choices.

Caring for students whose parents or caregivers are detained or deported
Districts and schools should establish protocols for ensuring student safety in the event that a student is in school when a parent or guardian is detained by immigration officials, the emergency contact cannot be reached, and/or there is no one available to transport a child to their home or to school. All staff and families should have a clear understanding of the process.

Providing behavioral health services
As outlined in this brief from The Children’s Partnership and the California Immigrant Policy Center, the emotional and physical wellbeing of children’s mental health is negatively affected by threats of deportation and anti-immigrant scapegoating. Schools can provide essential support by increasing district-based behavioral health services and/or referring families to affordable mental health specialists and counselors.

 Hosting Know Your Rights and family preparedness workshops at your school
School and district officials can help to ensure that immigrant students and families are prepared for emergencies by hosting and/or advertising presentations and workshops
conducted by reputable nonprofits. Undocumented immigrants may be hesitant or fearful to attend a public event intended only for immigrants without legal status, so make sure events are geared toward all individuals who are interested in immigration updates. Many immigrant-serving community-based organizations will conduct free “Know Your Rights” presentations to inform families and educators about the basic rights of noncitizens, and there are also several high quality online resources. In California, community events and legal services workshops are listed by Ready California.

Help Families Find Qualified Immigration Legal Services
Educators can play a key role in directing students and families towards legitimate legal advice and away from fraudulent and exploitative services. Many immigrant families are “mixed status” with U.S. citizens, lawful residents, and undocumented people all in the same family. Undocumented immigrants should get an immigration “checkup” to learn about possible protections and options. Local legal service providers may offer clinics or drop-in hours where a person can quickly speak with an attorney and then be provided with next steps to access services. Schools and districts can help identify reliable, low-cost nonprofit immigration legal services organizations through the following online sources: Ready California; National Immigration Legal Services Directory and Catholic Legal Immigration Network. They can also distribute flyers about avoiding fraudulent immigration services.

Accompanying “best of” resources (1-3):
1. California Equity Leadership Alliance Online Toolkit
2. United We Dream #HereToStay Toolkit
3. Creating a Safe Environment for Immigrant and Refugee Students, Families, and Communities: Actions for PreK-12 Schools and Higher Education

Policies and Protocols Impacting Immigrant Students and Families

Overview
Under the Supreme Court’s landmark decision in Plyler v. Doe, all K-12 students in the United States are guaranteed a free public education regardless of immigration status. This right includes other services and programs provided through the public school system, such as free lunches and special education programs. However, how school districts comply with this obligation varies widely, and local policies and practice have a significant impact on creating safe environments for immigrant students.

Understanding state/local immigration-related policies
Immigration law is determined by federal legislation. However, in recent years many states and local jurisdictions have enacted legislation, regulations, and policies to increase or restrict the safety and security of foreign-born individuals. These local policies do not change immigration law, but focus on the experience and opportunities of immigrants. While there is no simple way to research local immigration-related policies, the National Conference of State Legislators tracks state-level immigration related legislation, and “Safe Zone School Districts” are mapped.
by the National Education Association. Local immigration nonprofit organizations are also a good source of information and guidance.

“Safe Haven” or “Sanctuary” resolutions
Some states and school districts have responded to concerns about the safety of immigrant students and families by adopting “Safe Haven” or “Sanctuary” resolutions. These resolutions specify how a district plans to implement policies, procedures, staff training, and community engagement on a range of issues, including sharing students’ information and responding to school-based immigration enforcement activities (see below). This EdSource article gives a good overview of these types of resolutions. See also, NEA Safe Zone School Districts, an E4FC guide for educators, and this advisory from the National Immigration Law Center.

Enrollment procedures
According to federal guidance, “immigration or citizenship status is not relevant to establishing residency in [a] district, and inquiring about it in the context of establishing residency is unnecessary and may have a chilling effect on student enrollment.” Districts should establish clear guidelines, review policies and enrollment forms, and train staff on enrollment requirements. Page 27 of the LAUSD Education and Immigration Resource Guide is an excellent example of clear enrollment procedures for a school district.

Privacy protocols and confidentiality
In compliance with the Family Educational Rights and Privacy Act (FERPA), school districts generally must keep student records private, but they are required to share records in compliance with a valid judicial warrant. However, school districts may choose to share directory information without consent, including a “student's name, address, telephone number, date and place of birth”. A district may determine what details are included in student directories as well as give parents the opportunity to opt out of providing their personal information.

Immigration enforcement and access on school grounds
Immigration enforcement on school grounds may interfere with a student's right to an education granted under Plyler v. Doe. If students are afraid to attend class, the “chilling” effect that occurs may lead to a denial of students’ constitutional rights. Current U.S. Department of Homeland Security policy limits immigration enforcement at “sensitive locations”, including schools, school bus stops, medical facilities, places of worship, religious or civil ceremonies, and during public demonstrations. The U.S. Department of Education has released a fact sheet on safe spaces for families and school staff. This is an internal policy first adopted in 2011 and has since been reaffirmed by the current administration. However, because it is a policy, it is not binding and may be changed at any time. However unlikely it is that an enforcement action will occur at a school site, districts should have a clear procedure in place if immigration officials try to enter a site or request student records. (A sample template can be found in this publication from the California Charter School Association and Stanford Law School.)

Accompanying “best of” resources (1-3):
Access to Higher Education and Campus Safety for Immigrant Students

Overview
States have different policies regarding admissions and enrollment for undocumented students in public post-secondary institutions, and many private colleges and universities have their own rules. At least 21 states provide in-state tuition to undocumented students and have been mapped by the National Immigration Law Center (NILC).

Many undocumented students have successfully navigated post-secondary education and have shared their stories. The California State University “Resources for Undocumented Students” provides an excellent example of how to provide access to information and resources for undocumented students.

Colleges and universities across the country have adopted policies and procedures to ensure safety for immigrant students. Some schools have established “Dream Centers” to provide specialized support for undocumented students, and many also have active student support organizations.

Accompanying “best of” resources (1-3):
1. Educators for Fair Consideration (E4FC)
2. United We Dream #HereToStay Toolkit

Scholarships Open to Undocumented Students

Overview
Undocumented college students are not eligible for federal financial aid, but some states provide financial aid and loans, and some private schools use institutional aid to support undocumented students. There are also many private scholarships available to undocumented students. Below are a few websites that track scholarships to which undocumented students can apply.

Accompanying “best of” resources (1-3):
1. My Undocumented Life
3. Scholarships.com Scholarships for Undocumented Students
Help Students Find a Lawyer

Overview
Educators, especially classroom teachers, are trusted sources of information for students and families. Educators can be prepared by knowing where to direct students and/or parents for pro-bono and/or legitimate legal advice. It’s important for educators to stress that families seek legal advice from an attorney and that free legal advice is available throughout the country from a variety of sources.

Accompanying “best of” resources (1-3):
1. National Immigration Legal Services Directory
2. Find a Service Provider