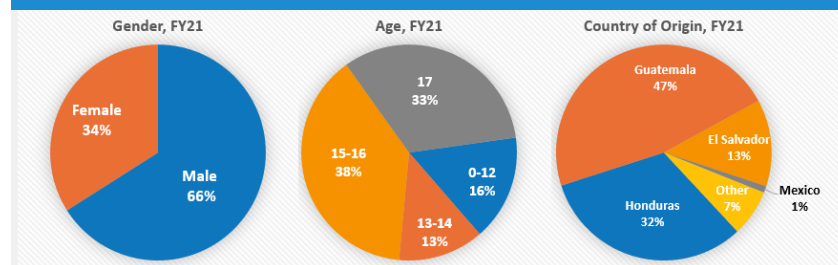


How to Support Unaccompanied Immigrant Children & Youth Students in U.S. Schools

Who are Unaccompanied Immigrant Children (UICs)?

An “UIC” (UIC) or “Unaccompanied Alien Child,” a technical term defined by U.S. federal law in the Homeland Security Act, 6 USC § 279(g), is given when a minor under 18 years of age arrives to the U.S. without immigration status while not in the custody of their parents or legal guardians, or were separated from their parents or guardians at the border. Most UICs have suffered from trauma and Adverse Childhood Experiences (ACEs), as the root causes spurring migration, primarily out of northern Central America, continue to be widespread gang violence, sexual- and gender-based violence, corruption, poverty, natural disasters, and a lack of state protection. When public schools encounter most UICs, they may: still be undocumented and fighting their deportation case; still be English Language Learners (ELLs); and mostly be living with a caregiver (usually a family member), placed in long-term foster care settings, or living on their own.

Unaccompanied Immigrant Children Demographics



Sample Movement of Unaccompanied Immigrant Children in the U.S.



How Do UIC Move Through the U.S. Immigration System?

When a UIC requests protection at a U.S. border checkpoint or is apprehended by immigration authorities, they are supposed to be transferred in 72 hours from the border facilities to “youth friendly” immigration facilities run by nonprofit organizations sub-contracted by the U.S. Department of Health and Human Services (HHS). The government is legally obligated to transfer the UIC from federal custody into the care of a “sponsor,” or a trusted adult—often a family member already living in the U.S.—to care for the child while they fight their immigration case. This system is distinct from state child foster care services, and most UICs are provided little to no coordinated social and legal services or case management upon release to a sponsor. UICs released into the community must find their own attorney. These complex immigration proceedings often take years and are highly dependent on current federal policies and whether a child has an attorney. Many undocumented people, including UIC or sometimes their sponsors, are often ineligible for federal benefits and services.

Where Do UICs End Up in School?

UICs are placed into federal facilities all over the country, but typically enroll in local school systems once they are released to their sponsors in the community.

What are the Educational Rights of UICs Released to Sponsors?

Like all children in the U.S., UICs have a right to attend U.S. schools under federal law, regardless of their immigration status, once they are released to their sponsors or if placed into a long-term foster care program for those with no sponsors. A condition of their release from federal custody is that they will enroll in school immediately after they are released to sponsors. The federal government has issued guidance on the educational services for UICs and immigrant children (see resources below). UICs who are released to live with a sponsor may be eligible on a case-by-case basis under the McKinney-Vento law's broad definition. State and localities also often have laws and policies specifically providing guidance.

What are Some of the Common Challenges for UICs?

Financial, Housing, and Food Insecurity

Students often arrive owing significant debt for their journey. Since a large number of UICs are teenagers joining households that may already be economically, housing, and food insecure, they often need to work while attending school in order to repay their debts, contribute to rent and food, and provide for their basic needs. The lack of systematic coordinated social and legal services after release from federal custody renders many UICs vulnerable to further abuse, exploitation, and hardships.

Language Barriers

Most newly arriving UICs are ELLs. Many speak Spanish, but many also speak indigenous languages (e.g. Mam and Quiche), but are not offered the level of English instruction needed to succeed. Sponsors also may face language barriers, prohibiting their effective advocacy on behalf of the UIC.

Interrupted/Limited Formal Education

Many students have experienced limited or interrupted formal education (SIFE students) in their home countries and along their journey to the U.S. UICs, especially teenagers, are often pushed towards unequal alternative programs. This means although most states provide free public education up to age 21, these teenage UICs forced into these alternative education programs often do not successfully complete high school.

Enrollment and Registration Difficulties

UICs often report difficulties with proof of residency and documentation needs to register and enroll in school, and receiving the appropriate language assistance and special education services. Others have reported age and immigration status discrimination, and inappropriate placement into alternative education options due to educational gaps.

Barriers to Accessing Special Education and Social Services

While every child is different and no one immigration experience is the same, many UICs have experienced trauma, grief, and loss as well as ACEs in their home countries, en route to the U.S., at the border, and/or in federal custody. Adapting to a new country can be a traumatizing experience. Most UICs have limited access to linguistically and culturally appropriate mental, medical, and dental health services on their own. Rather than evaluating UICs for qualifying disabilities to implement special accommodations and services, or seek other academic and socio-emotional supports such as counseling, therapy, tutoring, or a behavioral plan, UICs are often blamed for not keeping up in school.



Current Events

Since 2013, there have been periodic spikes in the number of UICs seeking protection at our borders. In 2020, the number of UICs apprehended at the border was significantly lower than normal trends due to the COVID-19 pandemic, restrictionist, and unlawful policies barring UICs from seeking protection—creating bottlenecks at the border. When the Biden administration took office in January 2021, they made decisions to change some of these Trump administration policies, leading to record number of apprehensions of almost 65,000 UICs at the U.S.-Mexico border between January through May 2021, starting when the Biden administration took office. At present, UICs continue to request protection at the U.S.-Mexico border on a large scale, though starting in early May 2021 arrivals have declined.

Prior to the COVID-19 pandemic, UICs arriving to the U.S. already faced difficulties navigating complex legal, educational, and other systems. COVID-19 has exacerbated challenges that UICs who are already in the U.S. face, and added complexity in how to serve newly arriving UICs in large numbers in 2021.

What Can Schools & Districts Do to Support UICs?

Districts & Schools

1. **Be Trauma Informed** All staff should be trained in best practices for working with youth and families who have experienced trauma; staff should also know how to make referrals for more in-depth trauma support. Remember that these young people's first experiences in the U.S. were at the hands of immigration authorities and inside federal facilities. Opt for restorative practices in lieu of punitive disciplinary approaches.
2. **Protect Confidential Information** Ensure that no notes are made on any student records that could impact a student's immigration case (such as suspected gang flirtation or affiliation, for instance); these records can be subpoenaed by the federal government or appear in immigration records to be used against the student regardless of the information's veracity or accuracy.

District Level

1. **Ensure English Language Learner and Newcomer programs are not already at capacity** New students will enroll in the Spring and Summer, but will continue to enroll throughout the 2021-2022 school year.
2. **Dedicate a District Point Person for Supporting and Serving UICs** Districts like Oakland Unified, Hayward Unified and San Francisco Unified have found it helpful to have a point person to ensure best practice implementation and tuning (this need not be a full time position).
3. **Be a Sanctuary** Implement Sanctuary District policies and make these policies visible and known to newly-arrived families and students in district offices and in schools. (E.g. Oakland Unified School District, www.ousd.org/sanctuarydistrict)
4. **Prioritize Enrollment** UICs often lack common identification and proof of address. Districts must train staff to recognize common UIC documentation (such as an ORR face sheet) and to utilize and connect with McKinney-Vento program resources and staff as needed.
5. **Use Funds From Federal, State & Local Sources to**
 - Ensure adequate language resources, including indigenous languages (e.g.: Mam, Quiche, Acateco). Community organizations and faith leaders can be effective partners.
 - Hire outreach workers to conduct socially-distant home visits & community outreach to ensure students enroll in school & have the resources they need to do so.
 - Create welcome kits for students with backpacks and school supplies.
 - Hire dedicated Unaccompanied Immigrant Child Specialist (or similar position).
 - Partner/contract with local community organizations to support case management, legal services connection, mental health and other socio-emotional needs.
 - Offer professional development to district and school-based staff focused on supporting UICs.
6. **Ensure Enrollment Options and Credit Transfer for Students Under 18** All students under the age of 17 are eligible to enroll in high school. Districts and schools should make every effort to review past transcripts (if available) to award credits earned in students' home countries, and permit students to stay until the age of 21 if necessary. Districts should not force undocumented children into alternative education options for discriminatory purposes, or alternative behavior programs solely based on educational gaps.
7. **Accommodate Students with Interrupted Formal Education (SIFE)** Fairly administer exams and performance metrics for this population, which, because of migration schedules, tends to enroll later in the year.

School Level

1. **Create a Culture of Welcome** Offer welcome events, orientations, "Welcome Circles" (see resources below for link) and buddy systems for newly-arrived students so that they feel at-home in school, understand the school resources and expectations, and make early, meaningful connections with adults and young people.
2. **Invest in Multi-Lingual Partnerships** for after school, mental health, and case management and legal services.
3. **Use Funds From Federal, State & Local Sources to**
 - Offer and Expand Remediation Classes: In addition to being ELLs, some students may be arriving with interrupted formal education and limited literacy. Offering basic literacy and numeracy classes alongside regular course content can support student growth.
 - Invest in Paraprofessionals and Second Adults in the Classroom so that students have additional attention and support.
 - Invest in Socio-Emotional Support Staff like case managers, outreach workers, and partner organizations.
 - Invest in Professional Development for Teachers and Staff focused on supporting UICs.

Resources

Professional Development Support

- Oakland International High School Learning Lab, oihslab.com

Statistics of Unaccompanied Children

- Migration Policy Institute, "Unaccompanied Children Released to Sponsors by State and County, FY 2014-Present," migrationpolicy.org/programs/data-hub/charts/unaccompanied-children-released-sponsors-state-and-county
- U.S. Department of Health and Human Services, Office of Refugee Resettlement, "Unaccompanied Children Released to Sponsors by State," acf.hhs.gov/orr/grant-funding/unaccompanied-children-released-sponsors-state
- U.S. Department of Health and Human Services, Office of Refugee Resettlement, "Unaccompanied Children Released to Sponsors by County," acf.hhs.gov/orr/grant-funding/unaccompanied-children-released-sponsors-county

Federal Resources

- U.S. Department of Education Office for Civil Rights, "Confronting Discrimination Based on National Origin and Immigration Status," ed.gov/about/offices/list/ocr/blog/20211018.html
- U.S. Department of Health and Human Services, "Unaccompanied Children Information," hhs.gov/programs/social-services/unaccompanied-children/index.html
- U.S. Department of Education, "Educational Services for Immigrant Children and Those Recently Arrived to the United States," ed.gov/policy/rights/guid/unaccompanied-children.html
- U.S. Departments of Education, Justice & Health and Human Services, "Information on the Rights of Unaccompanied Children to Enroll in School and Participate Meaningfully and Equally in Educational Programs," ed.gov/about/overview/focus/rights-unaccompanied-children-enroll-school.pdf
- U.S. Department of Education Office for Civil Rights, "Back to School: Supporting Educational Environments Free from Discrimination," ed.gov/about/offices/list/ocr/docs/back-to-school-binder-elementary-secondary-sept-2021.pdf
- U.S. Departments of Justice and Education, "Dear Colleague Letter," ed.gov/about/offices/list/ocr/letters/colleague-201405.pdf
- U.S. Departments of Justice and Education, "Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts, and Parents," ed.gov/about/offices/list/ocr/docs/ga-201405.pdf
- U.S. Departments of Justice and Education, "Fact Sheet: Information on the Rights of All Children to Enroll in School" ed.gov/about/offices/list/ocr/docs/dcl-factsheet-201405.pdf

Briefs, Guides, and Toolkits

- Oakland Unified School District, "OUSD Newcomer Toolkit," sites.google.com/ousd.k12.ca.us/newcomer-toolkit/home
- Oakland International High School Learning Lab, "Welcome Circles," docs.google.com/presentation/d/1uYCOgglI2m5MSPuLCKTg1iP7Icb242ufyhNoXlSd-V8/edit#slide=id.g91345c6d8c_0_328
- American Federation of Teachers, "Immigrant and Refugee Children: A Guide for Educators and School Support Staff," aft.org/sites/default/files/im_uac-educators-guide_2016.pdf
- Stanford Law School Youth and Education Law Project and Stanford Law School Policy Lab, "Protecting Undocumented and Vulnerable Students," law.stanford.edu/wp-content/uploads/2017/06/CCSA-YELP-SLS-Policy-Lab-Protecting-Undocumented-Students.pdf
- National Center for Homeless Education, "Supporting the Education of Immigrant Students Experiencing Homelessness," nche.ed.gov/wp-content/uploads/2018/10/imm_lia.pdf
- SchoolHouse Connection, "Directory of State Homeless Education Coordinators and Local Homeless Liaisons," schoolhouseconnection.org/homeless-liaisons-directory

Academic Articles and Reports

- Georgetown Law Human Rights Institute, "Ensuring Every Undocumented Student Succeeds: A Report on Access to Public Education for Undocumented Children," law.georgetown.edu/human-rights-institute/wp-content/uploads/sites/7/2017/07/2016-HRI-Report-English.pdf
- Southern Poverty Law Center, "Protecting Immigrant Students' Rights to a Public Education," splcenter.org/sites/default/files/cr_plyler_guide_final_june_2021.pdf
- Migration Policy Institute, "Beyond Teaching English: Supporting High School Completion by Immigrant and Refugee Students," migrationpolicy.org/sites/default/files/publications/Sugarman-BeyondTeachingEnglish_FINALWEB.pdf
- Migration Policy Institute, "Strengthening Services for Unaccompanied Children in U.S. Communities," migrationpolicy.org/sites/default/files/publications/mpi-unaccompanied-children-services_final.pdf
- Jeanette M. Acosta, Hastings Constitutional Law Quarterly, "The Right for Education for Unaccompanied Minors," repository.uchastings.edu/cgi/viewcontent.cgi?article=2020&context=hastings_constitutional_law_quaterly
- Ruth M. López, National Education Policy Center, "The (Mis)treatment and (Non)education of Unaccompanied Immigrant Children in the United States," nepc.colorado.edu/sites/default/files/publications/PB%20Lopez.pdf
- Deidra Coleman and Adam Avrushin, Center for the Human Rights of Children, "Education Access of Unaccompanied Immigrant Children," ecommons.luc.edu/cgi/viewcontent.cgi?article=1015&context=chrc

Mental Health

- National Child Traumatic Stress Network, "Resources for Immigrant Children and Families," nctsn.org/search?query=immigrant&f%5B0%5D=field_taxonomy_population%3A142

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