

University of Houston
Graduate School of Social Work
Children Displaced Across Borders

Presentation

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Immigrant Children in Texas and Houston:
Asylum Seekers & Refugees

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IMMIGRANT CHILDREN IN TEXAS AND IN HOUSTON ISD: ASYLUM SEEKERS AND REFUGEES

1. Where in policy or practice are there opportunities for the voices of displaced children to be heard and to influence decisions which affect them as individuals or as groups of children?

POLICY Context for the Education of Migrant Children and the Barriers

In 1983, in the U.S. Supreme Court Case of *Plyler v. Doe*, 1982, 80-1535, reviewed a 1975 Texas Statute withholding state funding from any local districts using state funds for the education of children who were not “legally admitted” into the United States (Olivas, 2912, No Undocumented Child Left Behind). The statute authorized local districts to deny enrollment to undocumented children. In 1983, the U.S. Supreme Court issued a decision that the Texas law violated the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. According to the U.S. Supreme Court, whatever his status under the immigration laws, an alien is a “person” in any ordinary sense of that term (Olivas 2012). The court held that The Texas statute imposed a lifetime hardship on a discrete class of children not accountable for their disabling status. The Court maintained that children cannot be held responsible for the sins of their parents. The children of such illegal entrants “can affect neither their parents’ conduct nor their own status, and “legislation directing the onus of a parent’s misconduct against his children does not comport with fundamental conceptions of justice” (*Plyler v. Doe*, 1982, 457 U.S. 202, 203).

While the education of immigrant children is grounded in the *Plyler v. Doe* decision, the education of immigrant children is often at risk. In May of 2016, the Associated Press reported how migrant children were kept from enrolling in school. It was reported that at least in 35 districts in 14 states, discouraged unaccompanied minors from El Salvador, Guatemala, and

Honduras from enrolling in schools or pressured students into enrolling into separate but unequal alternative programs that were often academic dead ends that may violate federal law. In Memphis the state discontinued the only programs available migrant children as the GED and English-language programs with the excuse that few students were graduating. Some districts have also gone to extremes to accommodate migrant students. In Maryland one school district created a new after-school program to help migrant students. The Houston ISD created a special school for Newcomers. Public schools remain one of the few government institutions where migrant youth are guaranteed services, however there are fewer federal funds and little monitoring to insure that education services are provided.

Children who arrive in the U.S. emotionally traumatized with educational gaps from war- or gang-torn countries do have the resources to challenge schools. In May 2014, the U.S. Department of Justice Civil Rights Division sent a joint “Dear Colleague” letter to all school district superintendents reminding them of the *Doe v. Plyler* decision to provide all children with equal access to public education at the elementary and secondary level. The Department of Justice Civil Rights provided advice on the types of documentation that districts may request for proof of residency as well as proof of age when students enroll. They may request lease agreements, water bills, and phone bills; however in the case of homeless students, no such proof of residency is required. Districts may ask for proof of age, including birth certificates, but cannot deny enrollment if the student cannot provide a foreign birth certificate. Other proofs of birth include family bibles, medical records, and previous school records. The advice also makes it clear that while the district can request a students’ Social Security, they cannot deny them enrollment should the parent not provide the number. In addition, districts may not require parents and guardians to provide Social Security numbers as a condition for enrollment. If a school

district requests a Social Security number it must also disclose to students and the parents that providing them is voluntary. The guidance to school districts suggest that districts may elect to enroll students who come to them while requesting age and residency documents after the student has been enrolled. Federal law requires that districts provide enrollment in languages that can be understood by parents and guardians who are not English proficient. In 2014, New York state officials launched a compliance review of school districts' enrollment policies and procedures for unaccompanied minors and other undocumented students to see if children were being denied their constitutional right to an education.

- Dear Colleague Letter;
- Fact-sheet on Enrolling Immigrant Children

2. What are the barriers to the voices of displaced children being heard in decisions that affect them? See 1. Other barriers are the fear that they must have a narrative that will support their case to stay in the U.S. The narrative is also one that required illegal acts to get to the U.S.

3. Based on your experiences, how important is it to children displaced across borders and to those in host communities to tell and hear their stories and views? Why? It is important for all children across borders and in host communities to tell and hear their stories and views;

- In immigrant communities some immigrant children are more advantaged than others but that does not change that they are displaced. For example, the following are some cases:
 1. The displaced immigrant comes to the U.S. with an intact family in which all the members arrived with Visas are advantaged; they also have disadvantages but the Visas make them legitimate. The disadvantages include the following:
 - Language: Many of the visa students speak English, Arabic, Nepali and Swahili;
 - Education: Most arrive with some level of literacy in math, science, and other content areas; however, their literacy is grounded in quality of the educational system in the sending country. For example, their math skills may not be equivalent to level of U.S. advantaged students;

- While they want to go to college, they may not have a full level of understanding of college readiness; they may want to be doctors but do not have preparation in math and science; they do not understand how to select an undergraduate education for pre-med. This is a fine point but important. While they have career choices they do not know how to manipulate and undergraduate education and admissions. They are often enrolled in the better public schools. In Houston, they may be enrolled in a west side school.
 - Often the **academic level** of advantages visa students may be the same or lower than the disadvantaged refugee or asylum-seeking immigrant.
- In immigrant communities **your immigrant status determines your level of disadvantage**. Asylum seekers and refugees are the most disadvantaged.

Education:

- **Language: many speak only Spanish and require English Learning;**
- Depending on the sending country immigrant asylum seekers and refugees may come with no understanding on what you do in schools to high ability:
 - Schools are places where you can bring a toy and play;
 - Many students come with high academic abilities and require testing and instruction in Spanish;
 - We tested our students in English and Spanish for college readiness algebra. We found that our Spanish speaking asylum seeking and refugee students scored at the same level and better than the Advantaged Visa immigrant students;
 - A concern is that some teachers may not have the language or content skill to teach high-achieving asylum seekers and refugees;
 - There is a need for teacher development to meet the academic needs of these students.
- Family integration
 - The immigrant/asylum-seeker with an intact family, especially an aggressive mother has an **advantage** in family integration;
 - The 13-17 year-old female who arrives by herself to be united with father she has not seen since she was 3 – 5 years old has many family integration, behavioral, health, mental health, economic, and employment disadvantages;
- Access to legal services: stress and depression trying to figure out how they can stay in the U.S.; stress and depression on trying to figure out who to earn legitimate money.
- Behavior Issues: Young men: ages 13-17; they can go from being silly to trying to figure out what is expected. There is a need for more one-to-one or small group interaction.
- Youth sexualization: for males and females.

- Community integration is often related to school assignment; housing: apartment hopping breaks continuity in school community and neighborhood integration;
- Employment options: they all have money needs.

4. If you could identify one critical question that future research should investigate to address challenges to prioritizing the voice of displaced children in decision-making, what would that be, and why? How do we maximize the existing resources to develop well-educated citizens?

Each panelist will have 5 minutes to provide brief remarks addressing each of these questions during your panel. After each panelist has spoken, a moderator will engage the members of your panel in dialogue and discussion around core themes that emerge in panelists' remarks.