



Update on Immigrant Students: How Schools Can Help

Federal rules on immigrant youth and families are changing rapidly, from Deferred Action for Childhood Arrivals (DACA) to Temporary Protected Status (TPS). This brief provides basic information about eligibility for education services, and practical suggestions for schools.

Updates

DACA

- On August 3, 2018, a federal judge ordered the government to restart the DACA program. However, the order will not take effect until August 23, and the government may appeal. For now, no new DACA applications are being accepted. Applications received prior to September 5, 2017 are reviewed and processed under the same terms as previous applications.
- People who have received DACA in the past now can [apply for renewals](#). People whose DACA status expired on or after September 5, 2016 can file renewal requests, while those whose status expired before September 5, 2016 can file a new DACA request.
- It is not advisable for DACA recipients to leave the country, as Customs and Border Patrol officers can deny re-entry at their discretion.

Temporary Protected Status (TPS)

- The TPS designations for El Salvador, Haiti, Honduras, Nepal, and Nicaragua have been terminated. People from these countries staying in the US under TPS must obtain another lawful immigration status or leave the US by the TPS termination date.
- TPS termination dates for each country are available at <https://www.uscis.gov/humanitarian/temporary-protected-status>

Tip

- Share information about [immigration legal services in your area](#). Many youth and families are eligible for immigration relief other than DACA or TPS status, and time is of the essence. Immigrants are particularly vulnerable to fraud by unlicensed individuals posing as attorneys. Referrals to reputable legal services are extremely valuable.

1. Eligibility for Education. Children and youth living in the United States have the right to attend public schools, regardless of their immigration status.ⁱ In fact, schools cannot ask about a student's or family's immigration status or take other actions that could discourage students from seeking enrollment. Schools cannot require Social Security numbers or immigration or citizenship documentation. They also cannot contact ICE or other law enforcement officials about students or families who may be undocumented.

Tip: As immigration rules and enforcement change, many undocumented parents and youth are afraid to come to school. Through school and district websites, social media, bulletin boards and other public information, make sure families and students know that all students are welcome in school, including immigrant students.

2. Eligibility for McKinney-Vento Services. Immigrant children with or without their parents are eligible for McKinney-Vento services, **if** they are experiencing homelessness. The McKinney-Vento Act's education definition of homelessness includes children and youth who lack a fixed, regular, and adequate nighttime residence.ⁱⁱ It specifically covers children and youth living in motels, shelters, transitional housing, cars, campgrounds, and sharing the housing of others due to loss of housing, economic hardship, or similar reasons. The Act also provides a means for identifying these children and youth: all local educational agencies are required to designate a liaison for McKinney-Vento students who is able to carry out ten specific legal duties, including identifying children and youth who meet the definition of homelessness.ⁱⁱⁱ Schools must disseminate public notice about the educational rights of eligible students in locations frequented by parents, guardians, and youth, in a manner and form understandable to them.

Tip: Make sure education and McKinney-Vento information is widely available in multiple languages and specifically in locations where immigrant families are likely to see it. For example, the Washington McKinney-Vento State Coordinator's office has [posters available to download in eight languages](#).

3. Participation in School Activities. Immigrant students, including undocumented students, have the right to participate fully in academic and extra-curricular activities, like any student. However, certain activities can create unique challenges for undocumented students, including career and technical education programs that require work authorization, driver's education classes in states that require immigration documentation for driver's licenses, and field trips out of the country.

Tip: Many students first learn they lack legal immigration status when it creates a barrier for them participating in a school activity. If immigrant students suddenly drop out of a class or field trip without a clear explanation, make [information about immigration relief](#) available to them in a discrete and non-confrontational way.

4. Early Care and Education Programs. The right to public education for immigrant children, including undocumented children, extends to preschool programs run by school districts and/or state agencies. In addition, families may enroll in Head Start and Early Head Start programs regardless of their immigration status. Federal child care subsidies are limited to certain “qualified immigrants.” However, only the immigration status of the child is relevant; programs cannot ask for parental immigration information or deny services to a child because a parent is undocumented. In addition, child care programs that are Head Start collaborations, or subject to public educational standards, are exempt from the “qualified immigrant” limitations.

Tip: Streamline the enrollment process for immigrant families, using simple terms to describe eligibility and providing information in multiple languages. Increase outreach to immigrant children who may be experiencing homelessness, and provide them with the priority enrollment required for children experiencing homelessness under [Head Start and Child Care regulations](#).

5. Higher Education. Undocumented immigrants can apply to public colleges and universities in every state except Alabama and South Carolina. Assuming they meet state residency requirements, they are eligible for in-state tuition in CA, CO, CT, FL, HI, IL, KS, MD, MI, MN, NE, NJ, NM, NY, OK, OR, RI, TX, UT and WA. Undocumented students are not eligible for federal financial aid, and are eligible for state aid only in CA, MN, NM, TX and WA.

Tip: Students who are documented but whose parents are undocumented can apply for federal and state financial aid. If their parents do not have legal Social Security numbers, they should enter all zeros for their parents’ Social Security numbers (or [leave parent information blank if they are unaccompanied homeless youth](#)).

Quick Resources

- [DACA Students and Resources for Superintendents and Schools](#)
- [Immigrant and Refugee Children: A Guide for Educators and School Support Staff](#)
- [Success in Early Learning Programs and Elementary School for Immigrant Families](#)
- [Six Things Undocumented Students Need to Know About College](#)
- [National directory of free or low-cost immigration legal services providers](#)
- [Resources to prepare for raids and other immigration enforcement actions](#)

ⁱ Plyler v. Doe, 457 U.S. 202 (1982).

ⁱⁱ 42 U.S.C. §11434A(2)(A).

ⁱⁱⁱ 42 U.S.C. §11432(g)(1)(J)(ii).