WEBINAR

SchoolHouse Connection

Tuesday, April 28, 2020, 3:00 – 4:15PM ET

Undocumented Students Experiencing Homelessness
Hello!
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Housekeeping

HAVE A QUESTION?

This webinar is for you. Enter your questions in the questions pane and click ‘Send’.

RECORDING & HANDOUTS

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About SchoolHouse Connection

SchoolHouse Connection works to overcome homelessness through education. We provide strategic advocacy and practical assistance in partnership with schools, early childhood programs, institutions of higher education, service providers, families, and youth.

- Website
- Facebook Group
- Newsletter
- Federal and state policy advocacy
- Q&A from our inbox
- Webinars and implementation tools
- Youth leadership and scholarships
Today’s Agenda

#1  Education-related rights of undocumented children and youth

#2  The view from a school district

#3  The view from a student

#4  Updates:
   - COVID-19
   - DACA
   - TPS
   - “Public charge” rule
Undocumented children and youth: PreK-12 rights

- Children and youth living in the United States have the right to attend public schools, regardless of their immigration status.
- 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.
- Schools cannot contact ICE or other law enforcement officials about students or families who may be undocumented.
Undocumented children and youth: PreK-12 rights

- Undocumented children and youth living in the United States have the right to participate fully in school, regardless of their immigration status.
- If the student also is McKinney-Vento eligible, the school must address barriers to full participation in school activities, including transportation.
  - CTE services may require social security numbers or employment authorization.
  - Foreign travel as part of an activity is not advisable.
Undocumented children and youth and McKinney-Vento

The McKinney-Vento Act covers children and youth who lack a fixed, regular, and adequate nighttime residence.

- Sharing the housing of others due to loss of housing, economic hardship, or similar reason.
  
  [74% of identified MV students in 2017–18]

- Living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations.
  
  [Motels: 7% of identified MV students in 2017–18]
Undocumented children and youth and McKinney-Vento

- Living in emergency or transitional shelters.

  [12% of identified MV students in 2017–18]

- Living in a public or private place not designed for or regularly used as accommodations.

- Living in cars, parks, abandoned buildings, substandard housing, bus or train stations, or similar settings.
  
  - What is substandard? Check utilities; infestations; mold; dangers.

- Includes unaccompanied youth and migrant students living in those situations.
Determining Eligibility

Shared housing

- Is it due to loss of housing, economic hardship, or a similar reason, whether in the US or another country?
- Family lost housing due to natural disaster, violence, loss of employment or subsistence
- Where would they go if they had to leave where they are staying?
- Do they have any right to be there?
- Is the housing adequate?
- “Sponsors” don’t change the analysis.

To ask or not to ask:

- Determining eligibility requires information about the student’s housing situation.
- Federal law says schools cannot ask any questions that might “chill” the right to enrollment for an undocumented student.
- Balance!
The View from a School District

Hello! I’m Kathi Sheffel.

McKinney-Vento Liaison, Fairfax County Public Schools

- Fear
- Eligibility
- Services
Undocumented youth and Early Childhood

- Undocumented children **have the right** to attend state and LEA preschool programs.
- **Head Start and Early Head Start programs** may serve undocumented children and families.
- Only “qualified immigrant children” are eligible for **federal child care subsidies**.
  - The immigration status of parents is irrelevant.
Undocumented youth and Higher Education

- Undocumented youth can apply to public colleges and universities in every state except AL and SC.

- Undocumented youth are not eligible for federal financial aid.
  - Youth with legal immigration status can apply for federal aid even if their parents are undocumented.

- Undocumented youth are eligible for state financial aid only in CA, MN, NM, NY, TX and WA.

- Undocumented youth are eligible for in-state tuition in AR, CA, CO, CT, FL, IL, KS, MD, MN, NE, NJ, NM, NY, OK, OR, RI, TX, UT and WA, plus U’s of HI and MI.
SchoolHouse Connection Scholarship

Look for the application early May.
Deadline early October

Eligible students:
- Under 20 years old
- Entering college for the first time

www.schoolhouseconnection.org/scholarship-program
Hello! I’m Mirka Mendez. Graduating senior at UT-Austin, Petroleum Engineer

- How can schools support new arrivals?
Immigration Updates

A constantly changing landscape

- COVID-19
- Deferred Action for Childhood Arrivals (DACA)
- Temporary Protected Status (TPS)
- Public Charge rule
COVID-19

- Undocumented people are not eligible for most federal relief (unemployment, stimulus checks, emergency grants to college students).
- Agricultural workers were deemed essential and their guest worker visas are being processed.
- CDC order March 20, 2020 banning entry of foreigners without valid travel documents.
- Asylum seekers are being expelled within 2 hours of arrival at Canadian or Mexican border.
COVID-19 (cont.)

- Suspension of new immigration, for 60 days, starting April 23, 2020.
- **Exceptions** for health care workers, investors, spouses/children of citizens.
- “Immigrants” do not include tourists, temporary visa holders.
- But the order also state Administration will “review nonimmigrant programs” and recommend further action.
Status of Deferred Action for Childhood Arrivals (DACA)

- People who have received DACA in the past can and should apply for renewals.

- People who have never had DACA status before cannot apply.

- It is not advisable for DACA recipients to leave the country, as Customs and Border Patrol officers can deny re-entry at their discretion.

- The U.S. Supreme Court will issue a decision on the legality of DACA any time between now and June (case heard 11/12/19).
Temporary Protected Status (TPS)

- Temporary immigration relief for people from countries impacted by natural disasters, civil war, epidemics, or other emergencies.
- The Trump Administration had ended TPS for many countries, but the issue is now in the courts.
- El Salvador, Haiti, Honduras, Nepal, Nicaragua, Sudan have court cases pending.
- Somalia and Yemen also are likely to be litigated.
“Public charge” rule

- Receipt of public benefits is grounds to deny legal permanent residence, a visa, or admission to the US.

- Does not apply to asylees/refugees, T/U visa holders, others.

- Not a new rule, but the Trump Administration expanded what is considered to be a “public benefit.”

- Upheld by Supreme Court in January, took effect in February, 2020.

- Applicable timeline: 12 aggregate months of benefits in a 3-year period.

  **Included:**
  - SSI, TANF SNAP
  - Section 8 and subsidized public housing
  - Medicaid (except as part of school program, including IDEA)

  **Not included:**
  - McKinney-Vento services
  - Free meals
  - Any other education benefit, including Head Start and financial aid for college
  - WIOA, WIC, CHIP
  - COVID-19 related free health care
Resources

- **Immigrant Students**: How Schools Can Help in English and Spanish
- **McKinney-Vento webinar in Spanish** (including a student presenter)
- Help for Immigrant Families: **Guidance for Schools**
- Undocumented Student **Tuition Overview**
- Know Your Rights in 8 languages:
  - [https://www.ilrc.org/red-cards](https://www.ilrc.org/red-cards)
- “MigraWatch” hotline: 1-844-363-1423
- **National directory** of free or low-cost immigration legal services providers
- DACA **renewals**
- TPS **updates**
- Public charge **rule**