



THE CHANGING LANDSCAPE OF IMMIGRATION IN THE UNITED STATES AND ITS IMPACT ON EDUCATION

INDERA DEMINE, ESQ



When schools opened this fall, Education Week noted a key “demographic milestone” — for the first time, children of color would outnumber non-Hispanic whites in the nation’s public classrooms.

With the Pew Research Center projecting that, by 2050, more than one-third of the nation’s schoolchildren “younger than 17 will either be immigrants themselves or the children of at least one parent who is an immigrant,”

Immigration System in the United States

- ▶ Immigration laws in the United States are governed by the federal government.
- ▶ What this means is that no matter what state someone lives in, one that is pro immigration or anti immigration, the immigration laws are applied the same.
- ▶ The immigration system governs who may enter the United States and who is denied entry into the country.
- ▶ The immigration laws in the United States have changed significantly over the years and even more so within the last year.
- ▶ This trickles down to our local communities and can affect- who is allowed to work, attend school and do simple things like drive in the United States.



Undocumented status affects more than 1 million children today, which is about one-third of all immigrant youth. Another 4.5 million U.S.-born youth have an undocumented parent. Children face barriers because of their parents' undocumented status, often related to poverty, fears of deportation, and more, while undocumented youth themselves face increasing barriers to social mobility as they enter adolescence and hope to obtain driver's licenses, afterschool work, and financial aid for college.

So why is the system broken?

With some many players with different interests, it is EXTREMELY difficult to come up with a comprehensive overhaul of the immigration system. Simply put, congress just can't agree on what approach to take in dealing with both legal and illegal immigration. Some concerns are:

1. Protecting the American worker and protecting American values vs. Compassionate immigration that allows hard-working, contributing members of society into the country
2. Limiting illegal immigration while understanding that children crossing the borders DO NOT have the intent to break immigration laws.

Understanding the Limited Pathways for Legal Immigration

- I am a FN with no family members in the United States, I want to come to the United States to work and start a family. How can I do so legally? Any ideas?
- I have a sibling who lives in the United States. I am from Mexico, my sibling petitioned for me, do you know how long I will have to wait before I can legally enter the United States?
- I came to the United States with a visitor visa, I stayed and didn't return to my country. I now have a US citizen child, can I stay in the U.S.?
- I crossed the border illegally because of gang violence in my home country, can I seek protection from the United States?

How Is Immigration Affecting Education in the United States

- ▶ Currently in the United States, documented and undocumented children are allowed to attend public school.
- ▶ A child's immigration status does not affect whether or not they are allowed to attend elementary, middle or high school.
- ▶ However, an undocumented immigrant, cannot receive PELL or other grants to attend higher education

Can an undocumented Student Apply for a Student Visa?

- ▶ Short Answer- NO
- ▶ There is significant misinformation out there about immigrants and what someone without status can do in the United States. The truth is, if someone crossed the border illegally when they were five years old, they cannot apply for a student visa at a later time. In fact, that person who entered the United States as a child, lived in the U.S. all of their lives, completed school in the U.S., cannot “become legal” unless they are petitioned by a family member.

The State of the DACA Program

- ▶ Can anyone tell me about the DACA program? Have you hear of the program?
 - ▶ The DACA program was introduced under the Obama administration and allowed undocumented children, who entered the United States before their 16th birthday and before June 15, 2007, to apply for a work permit and a social
 - ▶ These DACA recipients were allowed to attend colleges, legally work in the United States, purchase homes, start families, etc.
 - ▶ There is close to 700,000 immigrants on the DACA program.
 - ▶ The recipients must show that they are in High School graduates or currently in school
 - ▶ Florida has about 27,000 DACA recipients and the average age is 23

DACA Continued...

- ▶ On September 5, 2017, Attorney General Jeff Session announced the discontinuation of the DACA program.
- ▶ The reasoning behind the program's discontinuation is that it was unconstitutional because it was introduced through an Executive Order and not through Congress.
- ▶ The program was stayed for 6 months to allow Congress to come up with an alternative program. The deadline was March 5, 2018.
- ▶ Anyone knows if an alternative program has been passed?????
- ▶ NO- Various bills have been introduced in Congress but none have muster enough support to pass.



There are an estimated 9,000 teachers with DACA, an estimated 5.1 million children with at least one undocumented parent, and 200,000 citizen children with parents with DACA status.

As of February 14, 2018 a Federal Judge in NY and California issued an injunction ordering USCIS to accept DACA renewals. So as of today, if you had previously been granted DACA, you are allowed to file for your DACA renewal.

If this is your first time requesting DACA, USCIS is not accepting first-time applications.

How does this affect you? Many of the DACA recipients are not traditional students. Some of them are adults that are completing an adult education program. Many are English as a second language students. Many are applying for a GED instead of a traditional high school diploma.

Depending on the court's decision, DACA may end or resume altogether. It remains up in the air.

One of the things that the DACA program recognized is the idea of “Culpability.” If you are brought to the United States as a child, should you be punished? Should you be forced to return to a country where you do not speak the language or share in the culture?

Another concern brought up is how do you keep America safe and ensure that the people that are being admitted into the United States do not pose a threat to our safety? The DACA program has strict guidelines and if you have been convicted of most crimes, you will not be able to take advantage of the DACA program.

TPS Program

Has anyone heard of the TPS Program?

Temporary protected status allows immigrants from certain countries to remain in the United States under legal status because they cannot return home. There is a natural disaster or political instability that make it unsafe for immigrants to return home.

TPS for Haitian immigrants was introduced in 2010 and was renewed every 18 months until this most recent review period. The government announced the discontinuation of the DACA program for most countries. **TPS FOR HAITI WILL END ON JULY 22, 2019.**

60,000 HAITIANS, 200,000 SALVADOREANS, 57,000 HONDURANS, 5,000 NICARAGUANS



The end of these two programs will cripple the US economy.

Think of how many of these families, have jobs, owns business, have a mortgage on their homes, have loans to repay and also, children in school.

Mass deportation will also mean mass strain on social welfare programs for the children who will be left behind.



What is being done?

Higher removal enforcement. More resources being spent on deportation and removal.

Stricter border security

Criminal charges and federal detention for illegal border crossers.

:Resources for Immigrant Children:

- ▶ LANDOFOPPORTUNITY.ORG
- ▶ [EI CAMINO APP](#)

Things to think about-

- ▶ Do you have a protocol designed to protect immigrant children from ICE raids?
- ▶ It is very possible that immigration enforcement will lead to schools and classrooms being targeted.