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



**SchoolHouse
Connection**

**Undocumented Students
Experiencing
Homelessness**





Hello!

I'm Patricia Julianelle.

**Director of Program Advancement and
Legal Affairs, SchoolHouse Connection**

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Housekeeping

HAVE A QUESTION?

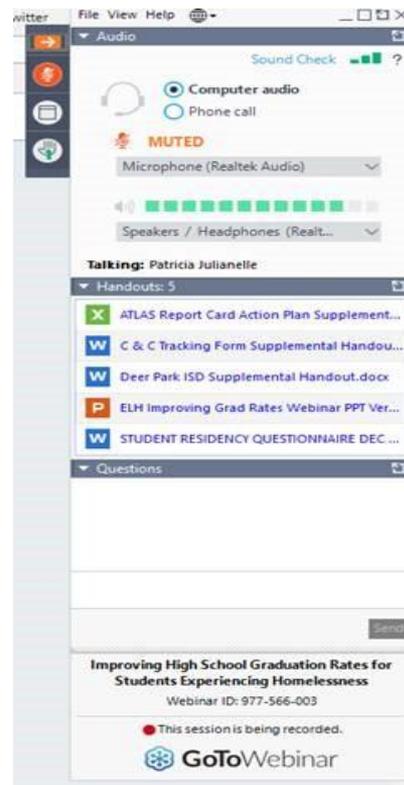
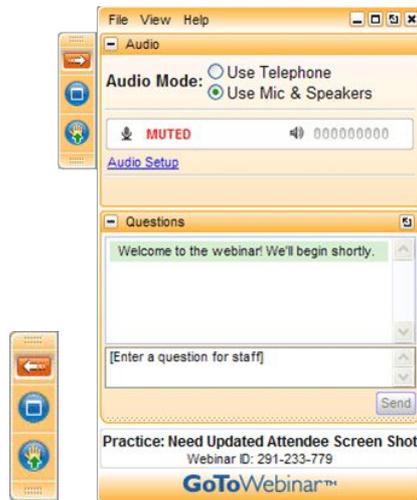
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About SchoolHouse Connection

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



The View from a Student



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 **not** 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/know-your-rights-and-what-immigrant-families-should-do-now>
 - <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