



Discussion

Unauthorized immigrant students in the United States: The current state of affairs and the role of public education



Michael L. Sulkowski*

University of Arizona, United States

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ABSTRACT

The number of unauthorized children and families in the U.S. is approaching a record high. Current estimates indicate that over five million youth in the U.S. are unauthorized immigrants or live in unauthorized families. These youth are at-risk to lose a parent or primary guardian to deportation as well as to experience serious disruptions in their academic and psychosocial functioning because of current U.S. immigration policies and practices. However, as institutions with a prerogative to provide all students with a free and appropriate education, public K-12 schools can provide necessary academic and behavioral supports to unauthorized students and families. With the goal of assisting this at-risk student population, this review addresses the current state of affairs faced by unauthorized U.S. students and families as well as public education's role in addressing the needs of these students.

The U.S. has a long and complicated immigration history. Different groups of immigrants have been favored, accepted, discriminated against, and even banned from entering the country because of prevailing laws, policies, practices, and public perceptions harbored by dominant members of society (Newman, 2013; Olneck, 1989). In response to this, the compulsory U.S. public education system has had to accommodate students with diverse nationalities, cultural backgrounds, and native languages. Whether successful or not at accomplishing the former, the story of U.S. immigration and K-12 public education have been interwoven throughout the 20th century (Suarez-Orozco, 2001). Recently, however, this narrative has become increasingly complicated as millions of U.S. immigrants are classified as being “unauthorized”¹ and do not have legally recognized status as citizens. Moreover, many of these individuals have children who attend schools who may or may not be legal U.S. residents (Negrón-Gonzales, 2013; Passel, Cohn, Krogstad, & Gonzalez-Barrera, 2014; Wessler, 2011). This then presents a dilemma to public K-12 educational institutions—institutions that have an onus to provide “free and adequate education” (FAPE) to all students, regardless of their background or citizenship status.

This review addresses the current state of affairs unauthorized students and families face in the U.S. as well as public education's role in addressing these student's needs. First, the phenomenology of

unauthorized immigration is reviewed within the current U.S. context. In this section, the effects of deportation, forced parental removal, and anti-immigrant policy and practices are discussed as well as how these practices impact students' academic and psychosocial functioning. Second, information is provided on educational initiatives, laws, court cases, and school-based service-delivery frameworks that can be utilized to help unauthorized students and families. More specifically, ways to support legal pathways toward citizenship, student enrollment and participation, academic success and psychosocial functioning, and family-school-community connections are reviewed for this vulnerable population.

1. The phenomenology of unauthorized immigration

Law and policy changes over the past thirty years have contributed to a spate of unauthorized immigrants and families in the U.S. (Passel et al., 2014). Subsequently, an unprecedented number of youth also have unauthorized status or live with an unauthorized parent or primary caregiver. Current estimates indicate that 5.3 million youth (approximately 10% of the 50.1 million U.S. student population) are classified as unauthorized or live with at least one parent with this status (U.S. Department of Education, 2015; Yoshikawa, Suárez-Orozco, & Gonzales, 2016). Of these youth, about 775,000 do not have

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* University of Arizona, Box 210069, Tucson, AZ 85721-0069, United States.

E-mail address: sulkowski@email.arizona.edu.

¹ An “unauthorized immigrant” refers to the following: Individuals without U.S. citizenship, individuals born outside of the U.S., and individuals who have either entered the U.S. without inspection or have remained in the U.S. beyond their promised departure (Hofer et al., 2010).

citizenship, permanent-resident status, refugee status, or any other form of temporary residency status for work, education, or domicile. However, in contrast to these individuals, the great majority of youth who are vulnerable to current U.S. immigrant enforcement policies—approximately 4.5 million youth—have at least one unauthorized parent who could be in jeopardy of being deported or detained by U.S. Immigration and Customs Enforcement officers (USICE; Passel et al., 2014). Thus, as previously presaged, in light of the 18.7 million first- and second-generation immigrant youth in the U.S. who have citizenship, 28% or over five million are either personally or indirectly affected by current U.S. policies and practices toward unauthorized family members (Child Trends, 2013).

Reasons for immigrating to the U.S. have varied across different historical periods, and groups of immigrants have emigrated from different parts of the world to produce a highly heterogeneous population at different phases in U.S. history (Suarez-Orozco, 2001). However, regarding contemporary unauthorized immigration, some commonalities exist about the etiology, reasons for emigrating, and the ways that immigrants are impacted by existing laws and policies. Currently, unauthorized immigrants from Mexico are the largest demographic group impacting the U.S., comprising about 50% of the total unauthorized population (Krogstad & Passel, 2015). These individuals often cross the U.S./Mexican border to pursue occupational opportunities, seek family reunification, or leave high-conflict communities. Additionally, a significant percentage of these individuals reside in the U.S. and become unauthorized when their visas expire or are not renewed (Hoefer, Rytina, & Baker, 2010). In general, they seek benefits to improve their personal and family plight and they desire to be part of the U.S. social fabric.

Over the past decade, an increasing number of unauthorized individuals have also been emigrating from Central American countries such as Guatemala, Honduras, and El Salvador. Similar to as in certain conflict regions in Mexico (e.g., Tamaulipas, Nuevo Leon), individuals from these countries often emigrate to escape violence or personal harm. However, in contrast to immigrants from Mexico, individuals immigrating from Central America tend to be younger and unaccompanied by caregivers as they are forced to flee violent communities, gang and cartel membership, human trafficking, and other adverse life experiences (Crea, Lopez, Taylor, & Underwood, 2017; Krishan Aggarwal et al., 2016). Essentially, these youth are fleeing danger and despite the heavy emotional costs associated with parental separation, parents of these youth are willing endure these costs because of the hope that their children will be safer in the U.S. According to USICE estimates, the number of unauthorized immigrant youth from Central America grew from 6000 to 7000 per year prior to 2011 to over 66,000 in 2014 (USICE, 2015). These rates then dropped to about 35,000 in 2015 and have continued to decrease as many of these youth have been resettled in the U.S. by the Department of Health and Human Services Office of Refugee Resettlement and because of actions of the U.S. and Mexican governments, which have worked toward preventing the immigration of individuals from Central America on the U.S.-Mexico border (Chishti & Hipsman, 2016). The latter may be more impactful than the former and many argue that U.S. and Mexican governmental actions have placed an unknown number of children's lives in jeopardy. Moreover, consistent with this problem, the United Nations (UN) considers the detention of immigrant youth is a child rights to be a patent violation of international policy (General Comment No. 6; UN Committee on the Rights of the Child, 2012). However, it is important to note that such violations are not always reported, pursued, or contested. For example, in violation of U.S. federal law, investigative reports indicate that unauthorized youth often are held by U.S. Customs and Border Officials in detention centers for greater than 72 h where they have limited contact with the outside world and access to basic resources (Koball et al., 2015).

1.1. Deportation and removal practices

Deportation or the forced removal of unauthorized immigrants from the U.S. has increased substantially during the Bush and Obama Administrations. Between 319,000 and 435,000 individuals were removed each year from 2007 through 2014 and the majority of these individuals were non-criminal offenders. In fact, according to the U.S. Department of Homeland Security (2014), the number of non-criminal unauthorized immigrants surpassed the number of deported unauthorized immigrants who were criminal offenders in every year since 2001. These findings are particularly concerning in light of executive orders of the Trump Administration in 2017 that purport to hasten the detainment and deportation of millions of unauthorized immigrants living in the U.S. Furthermore, these orders aim to defund “sanctuary cities” (e.g., New York, Los Angeles, Chicago, Philadelphia, Boston, Denver, New Orleans), involve hiring over 15,000 more immigration and border patrol officers, and end the exiting “catch-and-release” procedures in which unauthorized immigrants in the U.S. are not supposed to be detained while they await court hearings. Essentially, despite political rhetoric suggesting that law enforcement officers would focus their efforts on deporting unauthorized immigrants with criminal records, given previous practices and the current discourse, all unauthorized immigrant children and families likely are targeted by increasingly draconian and arbitrary immigrant removal practices in the U.S. (Shear & Nixon, 2017).

To date, the great majority of deported unauthorized immigrants have been detained in the U.S./Mexican borderlands and the ways in that they have been identified disproportionately target Latinos. For example, 91% of individuals who were deported between 2004 and 2013 were Latino according to the U.S. Department of Homeland Security, even though Latinos only constitute 73% of the total unauthorized U.S. immigrant population (U.S. Department of Homeland Security, 2014). Furthermore, of those who have been recently deported ($N = 235,413$), the great majority were working class men from Mexico ($N = 146,132$), Guatemala ($N = 33,249$), El Salvador ($N = 21,920$), and Honduras ($N = 20,309$; Golash-Boza & Hondagneu-Sotelo, 2013; USICE, 2015). Thus, U.S. deportation practices disproportionately target working-age Latino men and discriminate against Latino families.

Perhaps because of biases toward deporting non-criminal Latino unauthorized immigrants, the Obama Administration authorized policy changes in 2010 that encouraged USICE to focus more intently on identifying unauthorized immigrants who had been criminally convicted versus those who did not. However, as previously discussed, this change was not immediately sweeping and its effects have only recently been noticed. For example, deportation rates dropped for the first time in the past decade in 2015 to about 315,000 individuals. Additionally, in the same year, a greater percentage of deported individuals were convicted criminals versus non-criminals (59% compared with 41%). However, cautious optimism is warranted about this change because the lion share of individuals deported in 2015 still were from the borderlands ($N = 165,935$) versus the U.S. interior ($N = 69,471$), suggesting that USICE is still discriminating against unauthorized Latino immigrants (USICE, 2015). Furthermore, USICE has been publicly criticized for the noted drop in deportations and some nativist groups and organizations have called for the agency to increase deportations to pre-2015 estimates or beyond and executive orders by the Trump Administration that deliberately aim to hasten the deportation of millions of unauthorized immigrants (Vaughan, 2016).

As foreshadowed above, the current deportation practices of unauthorized immigrants place a significant burden children and families. Although current estimates are approximations, a significant percentage of deported individuals are parents. Between 1998 and 2007, an estimated 100,000 parents of U.S.-born citizens have been deported according to the U.S. Department of Homeland Security and the same agency estimates that over 46,000 parents with at least one

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