

## Introduction

Schools play a critical role in the lives of all children. Not only are they sites of education, schools are places where children become integrated into communities, receive critical support services, and foster relationships. For asylum-seeking newcomer students, schools play a critical role in **helping to integrate** children and their families into US society.<sup>1</sup> Because education is a legal obligation for children,<sup>2</sup> as well as a right recognized by both US and **international law**, school is one of the first US institutions with which a child and their family have sustained contact. A newcomer child's school often becomes the first place in the US to provide them with community, stability, and belonging, which is especially significant for people seeking asylum from countries like **Venezuela** who often lack integration support. As a result, schools are critical places to concentrate resources that facilitate the integration of families seeking asylum into their new communities.

### Education Is a Human Right

Education is a human right recognized in the **Universal Declaration of Human Rights** and numerous other international human rights **instruments**. In the US, the right to education is protected by the **Equal Protection Clause** of the Fourteenth Amendment of the US Constitution. In **Plyler v. Doe**, the US Supreme Court found that blocking children's access to school based on their immigration status would "deny them the ability to live within the structure of our civic institutions, and foreclose any realistic possibility that they will contribute in even the smallest way to the progress of our Nation."

Education is not only crucial to lifting people out of poverty, it enables them to exercise their other rights and responsibilities and maximize their contributions to communities. Broad access to education also prevents the creation of a permanent underclass and protects social cohesion. Moreover, the **benefits** for **US communities** of integrating newcomer students and their families are **clear**, with education playing a central role in **supporting** this integration by preventing poverty, increasing community diversity and connection, and building on the **economic growth** fueled by new immigrant families.

Schools enrolling newcomer students can draw support from several existing programs,<sup>3</sup> including but not limited to **English Language Acquisition Programs** and the **McKinney-Vento Act** for children experiencing homelessness. Expanding and enhancing these programs to increase and improve support for schools welcoming newcomer students represents an opportunity both to foster community integration and prosperity, and to improve support and inclusion for other vulnerable students, whether children who are housing insecure, refugees, or unaccompanied.

This backgrounder examines current challenges facing newcomer students and makes recommendations to better support schools and communities to strengthen community stabilization and growth through education.

## Challenges faced by newcomer students

Newcomer students bring many benefits to their schools and communities, but they also face challenges to their ability to thrive in school. Many such challenges, including housing insecurity or exposure to traumatic experiences, are not unique to newcomer populations, though new arrivals may experience them in different ways. Schools can and do address many of these challenges on a regular basis, including with federal support. For instance, The Center for Law and Social Policy (CLASP) recently **highlighted** successful English learner programs designed to close achievement gaps faced by newcomer children in California and Texas, while the New York City schools chancellor **lauded** the dedicated and innovative student integration by the system's many bilingual and English learner teachers. However, additional supports are needed to allow schools to better respond to the challenges their students, including newcomer students, experience. Some of these challenges include:

**Limited or interrupted formal education:** Similar to refugee or unaccompanied immigrant children, newcomer asylum-seeking children may arrive with **limited or interrupted formal education**. This means that some new students, on top of being English language learners, may enter with general reading and math skills below grade level, and may lack foundational school skills in their native language. School districts must work to adapt programming to adequately meet the demand of English learners, some of whom may also require school readiness curricula. The incidence of limited or interrupted formal education is particularly notable among Venezuelan children, some of whom experienced **barriers** to accessing formal education in third countries like Peru or Ecuador before seeking protection in the US.<sup>4</sup>

**Financial and housing insecurity:** Children who have access to secure housing not only do **better** in school but also have better health outcomes. Yet upon arrival, asylum-seeking families with school-age children often lack the resources necessary to immediately afford stable housing; as a result, they are forced to resort to the homeless shelter system. These circumstances make families more transient as they search for housing and employment or are shuttled from shelter to shelter by **local authorities**. **Families** face many **barriers** to housing access, from **affordable housing crises** to lack of US credit history and knowledge of the US rental market. Unlike resettled refugees, families seeking asylum can only obtain permission to work lawfully in the US once they file their asylum application and that application has been pending for at least **six months**.<sup>5</sup> The inability to work legally exacerbates the financial vulnerability of asylum-seeking families. These problems may be worse for newcomer communities like Venezuelans who are fleeing **economic and social collapse** in their countries of origin. Research shows that children in temporary or other insecure housing situations who switch schools may not only struggle with **chronic absence** but also take **longer** to learn English.

**Trauma and adverse childhood experience:** Similar to unaccompanied immigrant and refugee children, many newcomer asylum-seeking children have suffered **adverse childhood experiences** (ACEs) and carry **trauma**. One traumatic experience particular to more recently arrived children seeking asylum is having traversed the Darien Gap, a journey **notorious** for exposure to danger and deprivation. Another common source of trauma is the journey through **Mexico**, where many migrants suffer from government abuse or cartel violence.

**Child labor-related vulnerabilities:** Newcomer asylum-seeking children often experience financial insecurity and marginalization, especially if they have additional vulnerabilities like being a rare language

speaker or lacking classmates from the same country of origin. These combined pressures **can result** in children going to work to support their families. However, as **recent coverage** has shown, these children are often vulnerable to exploitation by unscrupulous employers. Even in non-exploitative labor situations, children may struggle to balance education and employment, leaving them vulnerable to poor performance and school dropout. Schools also play a critical role in helping to ensure that students understand their rights, including labor rights, and provide safe spaces for children facing abuse to seek support.

## Existing federal programs that support schools serving newcomer asylum-seeking students

There are many federal programs that support schools in providing necessary services to all students, including newcomer asylum-seeking students. These include:

**English Language Acquisition Programs:** Title III, Part A of the Elementary and Secondary Education Act (ESEA), most recently reauthorized in the **Every Student Succeeds Act** (ESSA) in 2015, provides **state formula grants** for supplemental<sup>6</sup> services for English language learners. Title III, Part A funds can be **used** to improve instruction of English learners, including by establishing or enhancing language instruction educational programs<sup>7</sup> and providing tutoring and other support like supplemental textbooks. Another common use is professional development for all teachers and other school professionals working with English learner students, not just English-learner specialists. Funds can also be used for activities that increase the effectiveness of English language learning by fostering family and community engagement and integration.

**Immigrant Children and Youth Programs:** Title III, Part A of the ESEA requires states to dedicate **up to 15 percent** of their English acquisition grants to local school districts serving a significant increase in immigrant students. Intended to provide enhanced instructional opportunities for immigrant children and youth, program funds can **cover** family engagement, recruitment, and support for specialized personnel, transportation costs, introduction to the US education and civics systems, and comprehensive community services for families of immigrant children and youth, including in partnership with community organizations. Schools across the country have used these funds to support “newcomer programs,” a programmatic model that the US Department of Education (DOE) **characterizes** as a “separate, relatively self-contained educational intervention designed to meet the academic and transitional needs of newly arrived immigrants.” The **Migration Policy Institute** and **UNICEF** highlighted a variety of newcomer programs designed to help newly arrived children adjust to the US school system in their 2022 **joint brief** on community services for unaccompanied immigrant children.

**Nita M. Lowey 21st Century Community Learning Centers:** Title IV, Part B of the ESEA funding supports communities in establishing **community learning centers** to give children academic enrichment opportunities during non-school hours, especially children attending high-poverty, low-performing schools. Critically for recently arrived families seeking asylum, these centers can **offer** students’ family members meaningful engagement in their child’s education, including through literacy and related educational development programs.

**Full-Service Community Schools:** Title IV, Part F of the ESEA supports the **Full-Service Community Schools Program** (FSCS) for the creation and operation of full-service community schools, an evidence-based

model for tailoring the school environment to meet the specific needs of the school community's students and families. The FSCS Program funds services including: (1) integrated student supports (social, health, nutrition, and mental health); (2) expanded and enriched learning time and opportunities; and (3) active family and community engagement.

**Services for Educationally Disadvantaged Children: Title I, Part A** of the ESEA provides funds for high-poverty schools to bolster students' educational achievement and alleviate community poverty over time. Asylum-seeking families face not only economic insecurity as they wait for work permits but also affordable housing shortages that **push them** into high-poverty neighborhoods, leading to newcomer students enrolling in schools eligible for Title I, Part A funds.

**Education for Homeless Children and Youth (ECHY):** The McKinney-Vento Homeless Assistance Act **established** the ECHY Program, which seeks to ensure that children experiencing homelessness are able to enroll and succeed in school. The **ECHY Program** funds McKinney-Vento liaisons and includes enrollment protections, educational services, and referrals to health care and other appropriate services. Children in a variety of insecure housing situations can be **eligible**, including those in shelter or otherwise lacking a fixed, regular, and adequate nighttime residence.

### Education for Children with Disabilities

The **Individuals with Disabilities Education Act** (IDEA) guarantees children with disabilities the right to a free and appropriate education, placement in the least restrictive environment, and parent participation. IDEA requires schools to identify and **provides** funds to evaluate whether a child of any background has one or more qualifying disabilities and develop and implement an individualized education plan (IEP) to deliver education and related services to meet a child's disability-related needs. **Section 504** of the Rehabilitation Act of 1973 prohibits discrimination based on disability and, like IDEA, requires schools to identify, evaluate, and provide a free and appropriate public education to qualifying children with a disability. These accommodations can take on crucial importance where disabilities have previously gone undiagnosed, especially for children with limited or interrupted formal education. Schools face the **challenge** of separating English learner or other acculturation needs from disability-related needs while ensuring that children are able to maximize their educational potential. Schools must also provide meaningful and effective **language access** for non-English speaking parents whose children are assessed for disability-related needs.

## Challenges schools face enrolling newcomer students

Schools have ably responded to the varying needs of their students, whether long-term residents or new arrivals, for many years. However, schools would benefit from additional supports to enable them to more promptly and comprehensively integrate children from families seeking asylum into their new school communities. Some challenges that additional support for schools as well as for families seeking asylum themselves would address are listed below:

**Limited funding flexibility for schools:** Funding allocations for local school districts are typically made **before** the beginning of the school year based on previous student enrollment, as well as recent census

and other population data. With children in asylum-seeking families arriving and enrolling **throughout** the school year, schools may run short on critical Title III and other funds whose amounts were calculated before the newest students arrived. Some **neighborhood schools** that previously had few to no immigrant or English language learner students are now facing the challenge of meeting the needs of their newest students without immediately available funding, programmatic, or **staffing** capacity.

**Shelter stay restrictions:** The same financial vulnerability leading asylum-seeking families to resort to homeless shelters has also subjected them to shelter stay limits imposed by places like **New York City**,<sup>8</sup> **Chicago**, and the state of **Massachusetts**,<sup>9</sup> resulting in families being shuttled from shelter to shelter by **local authorities** or scrambling for temporary housing in distant neighborhoods. While some children subjected to the shelter stay limits in **Chicago** and **New York City** have been able to remain in school, **others** must either take on long and difficult commutes to stay in their original schools or uproot to new schools that may have fewer resources for English language learners and immigrant students.<sup>10</sup> Teachers and other school professionals (including counselors) lose the relationships with the students and families they've built. They cannot continue to build on the progress they have made and often must start again with new students.

**Limited or inaccessible school transportation:** Although the McKinney-Vento Act allows children experiencing homelessness to remain in the **same school** even if they move, in practice families struggle with the **cost and logistics** of commuting often significant distances twice a day to a child's original school. To account for this, McKinney-Vento services include yellow school bus transportation where there is a hardship. However, some asylum-seeking families are unaware of this **critical resource**.<sup>11</sup> Newcomer families may also have **difficulty** navigating the bureaucratic procedures for applying for the hardship school transportation or face unreliable transportation due to existing **bus driver shortages**.

## Recommendations<sup>12</sup> for supporting schools and host communities working with newly arriving children and their families seeking asylum

### State and local educational agencies

- » Expand school-based programming to facilitate self-sufficiency and community integration and prevent exploitation by co-locating community resource centers (such as 21st Century Community Learning Centers) and school-based clinical contracts. Full-service community schools **offer** a promising model for achieving these goals.
- » Establish and enhance orientation, coordination, and navigation assistance for newcomer students seeking asylum and their families. Where applicable, consider successful program models such as NYC's **shelter-based** education coordinators or the **ACCESO** community navigator program for Indigenous families of children with disabilities.
- » Ensure comprehensive and timely information sharing on local school needs to maximize the efficient and responsive use of available resources to support schools enrolling newcomer students.
- » Explore and exhaust funding and operational resources for enhancing and expanding professional development and staffing for educational professionals working with children and families seeking asylum.

## US Congress

- » Increase funding for the McKinney-Vento Act's Education for Homeless Children and Youth Program to **remove barriers** to education for all children experiencing homelessness, including children seeking asylum.
- » Increase funding for IDEA Part B to **fulfill** the promise of the law's guarantee of equal access to education for all children with disabilities.
- » Allocate Title III funds for English Language Acquisition and Title IV funds for community learning centers and full-service community schools to ensure robust support of newcomer children and their families.

## Department of Education

- » Ensure responsive, adequate and sustainable funding and distribution of **McKinney-Vento Homeless Education** state coordinators and local liaisons to schools receiving children seeking asylum who are staying in local shelters.
- » Expand and increase the sustainability of programming under the **Office of English Language Acquisition** to meet the needs of local schools integrating children seeking asylum into their classrooms and local communities welcoming those families.
- » Publish and disseminate guidance similar to **Protecting Access to Education for Unaccompanied Children** for children in immigration proceedings with their parent or legal guardian who may also be eligible for McKinney-Vento, IDEA or Section 504 services.

-----

For more information, contact Mario Bruzzone, senior policy advisor, Migrant Rights and Justice Program, Women's Refugee Commission, at [mariob@wrcommission.org](mailto:mariob@wrcommission.org).

## Women's Refugee Commission

The Women's Refugee Commission (WRC) improves the lives and protects the rights of women, children, youth, and other people who are often overlooked, undervalued, and underserved in humanitarian responses to crises and displacement. We work in partnership with displaced communities to research their needs, identify solutions, and advocate for gender-transformative and sustained improvement in humanitarian, development, and displacement policy and practice. Since our founding in 1989, we have been a leading expert on the needs of refugee women, children, and youth and the policies that can protect and empower them. [womensrefugeecommission.org](http://womensrefugeecommission.org).

© 2024 Women's Refugee Commission, Inc.

September 2024

## Endnotes

- 1 The Women’s Refugee Commission (WRC) examined the challenges confronted by these asylum-seeking families and the US communities receiving them in its 2023 report [\*Opportunities for Welcome: Lessons Learned for Supporting People Seeking Asylum in Chicago, Denver, New York City, and Portland Maine\*](#), finding that historic global displacement and a politicized [busing campaign](#) from border state governors combined with immigration system dysfunction and affordable housing crises to make the needs of vulnerable people seeking protection visible in new ways.
- 2 All states and US territories have laws that make education compulsory for all children. Educ. Comm’n of the States, *Compulsory School Age Requirements, 1-3* (June 2010), <https://www.ecs.org/clearinghouse/86/62/8662.pdf>.
- 3 The Department of Education (DOE) updated its [Newcomer Toolkit](#) in 2023, releasing it along with a [letter of guidance](#) to chief state school officers.
- 4 More than [7.5 million Venezuelans](#) have been displaced by their country’s ongoing economic and political crises. Eighty-five percent (85%), or more than 6.5 million of those displaced people are in Latin America and the Caribbean, with the rest spread throughout the world including Europe and the US.
- 5 Some people seeking asylum may be granted parole, which also permits someone to apply for a work permit. Here we refer to parole under 8 U.S.C. § 212(d)(5) for humanitarian or significant public benefit reasons. US Customs and Border Protection (CBP) has the authority to grant parole to people it processes through ports of entry, whether through CBPOne appointments or walk-ups. In addition, some people are granted parole through special processes such as those for [Cubans, Haitians, Nicaraguans and Venezuelans](#), [Uniting for Ukraine](#), [Operation Allies Welcome](#) and [others for Afghans](#).
- 6 Title III funds may only cover activities that are not otherwise required by federal, state, or local laws and consent decrees. DOE provides more information about schools’ obligations to English language learner students in its [English Learner Toolkit](#).
- 7 There are [different kinds](#) of language instruction educational programs, with some [indicating](#) that bilingual programs are the “gold standard”.
- 8 Although in principle families are allowed to reapply for shelter placement after the 60-day period has ended, the [New York City Comptroller](#) (NYC Comptroller) found that many families are not provided adequate notice of their right to return to shelter. Moreover, limiting families with children to 60 days in shelter has led to nearly 700 children [leaving the city school system](#). The NYC Comptroller [noted](#) that NYC policy is to prohibit placement of families with elementary school-aged children in NYCDHS shelters if they are reapplying for shelter placement and registered concern about the deleterious effects on the children’s education and stability. The City did not provide a justification for the policy.
- 9 In Massachusetts, the [announcement](#) of a five-day shelter stay limit for families was accompanied by both confirmation of schools’ obligation to enroll children in these shelters and uncertainty about how the five-day limit would impact children’s education.
- 10 The [McKinney-Vento Homeless Assistance Act](#) requires public schools to immediately enroll any child “actually living” in their district, unless it’s found to be in the child’s best interest to remain in their US school of origin.
- 11 Confusion may arise due to the law’s [differential](#) burden of responsibility for making the transportation request, as where a child has a parent or legal guardian, that person must request transportation. However, where a child is unaccompanied, the McKinney-Vento liaison requests transportation.
- 12 Further policy recommendations can be found in the [policy platform](#) of the [National Newcomer Network](#), a coalition of more than 100 member groups representing 28 states that aims to improve US public education to ensure that “all newcomer students can succeed and thrive academically, socially, and emotionally in every classroom where they learn.”